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OFFICIAL GAZETTE

GOVERNMENT OF GOA



PUBLISHED BY AUTHORITY

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GOVERNMENT OF GOA

Department of Home

Home-General Division

Circular

17/5/2002-HD (G)

Attention is invited to the Government Circular No. 17/5/2002-HD(G) dated 12-4-2002 wherein the reservation of 2% posts in Group 'C' and 'D' categories for Ex-servicemen in various Departments/Offices was made. The points at which the posts are reserved for Ex-Servicemen have also been intimated to the Departments/Offices.

As the Ex-Servicemen during their service are posted to different parts of the country, the

Government has decided that relaxation in the matter of requirement of 15 years continuous residence in the State can be granted on case to case basis at the time of applying for Government job.

Taking into consideration the continuous residence period of five years for the issue of Domicile Certificate to Ex-Servicemen, Government has now decided to relax continuous residence period of 15 years to 5 years only for employment purpose. However, preference in employment may be given to Ex-Servicemen of Goan origin and those who are having 15 years continuous residence period in the State.

By order and in the name of the Governor of Goa.

Sneha S. Morajkar, Under Secretary (Home).
Porvorim, 20th April, 2012.

Notification

10/3/2012-LA/98

The Factoring Regulation Act, 2011 (Central Act No. 12 of 2012), which has been passed by the Parliament and assented to by the President of India on 22-01-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 23-01-2012, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th April, 2012.

THE FACTORING REGULATION ACT, 2011

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THE FACTORING REGULATION ACT, 2011

AN

ACT

to provide for and regulate assignment of receivables by making provision for registration therefor and rights and obligations of parties to contract for assignment of receivables and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—

(1) This Act may be called the Factoring Regulation Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint:

Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision.

2. *Definition.*— In this Act, unless the context otherwise requires,—

(a) “assignment” means transfer by agreement, of undivided interest of any assignor in any receivable due from any debtor in favour of a factor and includes an assignment where either the assignor or the debtor, are situated or established outside India.

Explanation.— For the purposes of this clause, undivided interest of any assignor in any receivable shall not include creation of rights in receivables as security for loans and advances or other obligations by a bank or a financial institution;

(b) “assignee” means a factor in whose favour the receivable is transferred;

(c) “assignor” means any person who is the owner of any receivable;

(d) “bank” means,—

(i) a banking company;

(ii) a corresponding new bank;

(iii) the State Bank of India;

(iv) a subsidiary bank;

(v) such other bank which the Central Government may by notification specify for the purposes of this Act on the recommendations of the Reserve Bank; or

(vi) a Multi-State Co-operative Society registered under the Multi-State Co-operative Societies Act, 2002 ^{39 of 2002.} and licensed to undertake business of banking by the Reserve Bank under the provisions of the Banking Regulation Act, 1949; ^{10 of 1949.}

(e) “banking company” shall have the meaning assigned to it in clause (c) of section 5 of the Banking Regulation Act, 1949; ^{10 of 1949.}

(f) “business enterprise” means any enterprise or medium enterprise, micro enterprise or small enterprise as defined in clauses (e), (g), (h) and (m) of section 2 of the Micro, Small and Medium Enterprises Development Act, 2006, respectively engaged ^{27 of 2006.} in any business activity;

(g) “corresponding new bank” shall have the meaning assigned to it in clause (da) of section 5 of the Banking Regulation Act, 1949; ^{10 of 1949.}

(h) “debtor” means any person liable to the assignor, whether under a contract or

otherwise, to pay any receivable or discharge any obligation in respect of the receivable whether existing, accruing, future, conditional or contingent;

(i) “factor” means a non-banking financial company as defined in clause (f) of section 45-I of the Reserve Bank of India Act, 1934 which has been granted a certificate of registration under sub-section (1) of section 3 or any body corporate established under an Act of Parliament or any State Legislature or any Bank or any company registered under the Companies Act, 1956 engaged in the factoring business;

(j) “factoring business” means the business of acquisition of receivables of assignor by accepting assignment of such receivables or financing, whether by way of making loans or advances or otherwise against the security interest over any receivables but does not include—

(i) credit facilities provided by a bank in its ordinary course of business against security of receivables;

(ii) any activity as commission agent or otherwise for sale of agricultural produce or goods of any kind whatsoever or any activity relating to the production, storage, supply, distribution, acquisition or control of such produce or goods or provision of any services.

Explanation.— For the purposes of this clause—

(i) the expression “agricultural produce” shall have the meaning assigned to it under clause (a) of section 2 of the Agricultural Produce (Grading and Marking) Act, 1937; and

(ii) the expressions “goods” and “commission agent” shall have the meanings assigned to them respectively under clause

(d) and *Explanation (ii)* of clause (i) of section 2 of the Forward Contracts (Regulation) Act, 1952;

74 of 1952.

(k) “financial contract” means any spot, forward, future, option or swap transaction involving interest rates, commodities, currencies, shares, bonds, debentures or any other financial instrument, any repurchase of securities and lending transaction or any other similar transaction or combination of such transactions entered into in the financial markets;

(l) “netting agreement” means any agreement among the system participants for the purpose of determination by the system provider of the amount of money or securities due or payable or deliverable as a result of setting off or adjusting the payment obligations or delivery obligations among the system participants, including the claims and obligations arising out of the termination by the system provider, on the insolvency or dissolution or winding up of any system participant or such circumstances as the system provider, may specify in its rules or regulations or bye-laws (by whatever name called), of the transactions admitted for settlement at a future date so that only a net claim be demanded or a net obligation be owned;

(m) “notification” means a notification published in the Official Gazette;

(n) “prescribed” means prescribed by rules made under this Act;

(o) “property” means,—

(i) the immovable property;

(ii) the movable property;

(iii) any debt or any right to receive payment of money, whether secured or unsecured;

(iv) the receivables;

(v) the intangible assets, being know-how, patent, copyright, design, trade mark, licence, franchise or any other business or commercial right of similar nature;

(p) “receivables” mean all or part of or undivided interest in any right of any person under a contract including an international contract where either the assignor or the debtor or the assignee is situated or established in a State outside India; to payment of a monetary sum whether such right is existing, future, accruing, conditional or contingent arising from and includes, any arrangement requiring payment of toll or any other sum, by whatever name called, for the use of any infrastructure facility or services;

(q) “Reserve Bank”, means the Reserve Bank of India constituted under section 3 of the Reserve Bank of India Act, 1934; 2 of 1934.

(r) “State Bank of India” means the State Bank of India constituted under section 3 of the State Bank of India Act, 1955; 23 of 1955.

(s) “subsidiary Bank” shall have the meaning assigned to it in clause (k) of section 2 of the State Bank of India (Subsidiary Banks) Act, 1959; 38 of 1959.

(t) words and expressions used and not defined in this Act but defined in the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949, the Companies Act, 1956, the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Credit Information Companies (Regulation) Act, 2005, or the Micro, Small and Medium Enterprises Development Act, 2006, shall have the meanings respectively assigned to them in those Acts. 2 of 1934. 10 of 1949. 1 of 1956. 54 of 2002. 30 of 2005. 27 of 2006.

CHAPTER II

Registration of Factors

3. *Registration of factors.*— (1) No factor shall commence or carry on the factoring

business unless it obtains a certificate of registration from the Reserve Bank to commence or carry on the factoring business under this Act.

(2) Every factor shall make an application for registration to the Reserve Bank in such form and manner as it may specify:

Provided that a company registered as a non-banking financial company and existing on the commencement of this Act and engaged in factoring business as its principal business before such commencement shall make an application for registration as a factor to the Reserve Bank before the expiry of the period of six months from such commencement and, notwithstanding anything contained in sub-section (1), may continue to carry on the factoring business until a certificate of registration is issued to it or rejection of application for registration is communicated to it.

Explanation.— For the removal of doubts it is hereby clarified that a non-banking financial company engaged in factoring business shall be treated as engaged in factoring business as its “principal business” if it fulfils the following conditions, namely:—

(a) if its financial assets in the factoring business are more than fifty per cent. of its total assets or such per cent. as may be stipulated by the Reserve Bank; and

(b) if its income from factoring business is more than fifty per cent. of the gross income or such per cent. as may be stipulated by the Reserve Bank.

(3) Every applicant for grant of a certificate of a registration as a factor shall comply, for the purpose of registration, with all the requirements to be fulfilled by an applicant for grant of certificate of registration as non-banking financial company under the Reserve Bank of India Act, 1934 and all the provisions of that Act, so far 2 of 1934.

as they relate to the registration of non-banking financial companies, shall (except those provided for under this Act) *mutatis mutandis* apply.

(4) In the case of existing non-banking financial company the Reserve Bank may issue a fresh certificate of registration as a factor, if the principal business of the non-banking financial company is the factoring business.

(5) Save as otherwise provided in this Act, every factor including factors not subject to requirement of registration under section 5, shall be governed by the Reserve Bank of India Act, 1934, the rules and regulations made thereunder and the directions or guidelines issued by the Reserve Bank, from time to time. 2 of 1934.

4. *Provisions of non-banking financial companies apply to factor.*— All provisions of Chapter IIIB of the Reserve Bank of India Act, 1934 relating to non-banking financial companies which have been granted a certificate of registration under sub-section (5) of section 45-IA of the Reserve Bank of India Act, 1934 shall (except those specifically provided for under this Act) *mutatis mutandis* apply to a factor which has been granted a certificate of registration under section 3. 2 of 1934.

5. *Requirement for registration as a factor not to apply to bank or Statutory corporation or Government company.*— Nothing contained in section 3 shall apply to a bank or any corporation established under an Act of Parliament or State Legislature, or a Government Company as defined under section 617 of the Companies Act, 1956. 1 of 1956.

6. *Powers of Reserve Bank to give directions and to collect information from factors.*— (1) The Reserve Bank may, at any time by general or special order, direct that every factor shall furnish to it, in such form, at such intervals and within such time, such statements, information or particulars relating to factoring business undertaken by the factor, as may be specified by the Reserve Bank from time to time.

(2) The Reserve Bank may, if it considers necessary in the interest of business enterprises availing factoring services or in the interest of factors or interest of other stake holders give directions to the factors either generally or to any factor in particular or group of factors in respect of any matters relating to or connected with the factoring business undertaken by such factors.

(3) If any factor fails to comply with any direction given by the Reserve Bank under sub-section (2), the Reserve Bank may prohibit such factor from undertaking the factoring business:

Provided that before prohibiting any factor from undertaking the factoring business, the factor shall be given a reasonable opportunity of being heard.

CHAPTER III

Assignment of Receivables

7. *Assignment of receivables.*— (1) Any assignor may, by an agreement in writing, assign any receivable due and payable to him by any debtor, to any factor, being the assignee, for a consideration as may be agreed between the assignor and the assignee and the assignor shall at the time of such assignment, disclose to the assignee any defences and right of set off that may be available to the debtor:

Provided that if the debtor liable to pay the receivable or the business of factor is situated or established outside India, any assignment of

receivable shall be subject to the provisions of the Foreign Exchange Management Act, 1999.

42 of 1999.

(2) On execution of agreement in writing for assignment of receivables, all the rights, remedies and any security interest created over any property exclusively to secure the due payment of receivable shall vest in the assignee and the assignee shall have an absolute right to recover such receivable and exercise all the rights and remedies of the assignor whether by way of damages or otherwise, or whether notice of assignment as provided in section 8 is given or not.

(3) Any assignment of receivables which constitute security for repayment of any loan advanced by any Bank or other creditor and if the assignor has given notice of such encumbrance to the assignee, then on accepting assignment of such receivable, the assignee shall pay the consideration for such assignment to the Bank or the creditor, as the case may be.

8. *Notice to debtor and discharge of obligation of such debtor.*— Any assignee of a receivable shall not be entitled to demand payment of the receivable from the debtor in respect of such receivables unless notice of such assignment is given to the debtor by the assignor or the assignee along with express authority in its favour granted by the assignor.

9. *Discharge of liability of debtor on payment to assignee.*— Where a notice of assignment of receivable is given by the assignor or the assignee, as the case may be, under section 8 the debtor on receipt of such notice, shall make payment to the assignee and payment made to such assignee in discharge of any obligation in relation to the receivables specified in the notice shall fully discharge the debtor making the payment, from corresponding liability in respect of such payment.

10. *Payment made by debtor to assignor to*

be held in trust for benefit of assignee in certain cases.— Where no notice of assignment of receivables is given by the assignor or under his authority by the assignee, any payment made by the debtor in respect of such receivables to the assignor shall be held in trust for the benefit of the assignee which shall be forthwith be paid over to such assignee, as the case may be, or its agent duly authorised in this behalf.

CHAPTER IV

Rights and obligations of parties to contract for assignment of receivables

11. *Rights and obligations of parties to contract for assignment of receivables.*— Without prejudice to the provisions contained in any other law for the time being in force, the debtor shall have the right to notice of assignment under section 8 before any demand is made on it by the assignee and until notice is served on the debtor, the debtor shall be entitled to make payments to the assignor in respect of assigned receivables in accordance with the original contract and such payment shall fully discharge the debtor from corresponding liability under the original contract.

Explanation.— For the removal of doubts, it is hereby clarified that nothing contained in this section shall affect the rights of debtor to make payment to the assignee under section 9.

12. *Liability of debtor.*— Where a notice of assignment as referred to in section 8 is served, the debtor shall,—

(a) intimate the assignee the details of the deposits or advance or payment on account made to the assignor before the receipt of notice of assignment and also provide any other information to the assignee relating to the receivable as and when called upon by the assignee to do so;

(b) not be entitled to a valid discharge of his liability in respect of assigned receivables, unless he makes the payment due on an assigned receivables to the assignee.

13. *Assignor to be trustee of assignee.*— Notwithstanding anything to the contrary contained in any other law for the time being in force, where a debtor makes any payment to an assignor which represents payment due on an assigned receivable, such payment shall be deemed to be for the benefit of the assignee, and the assignor shall be deemed to have received the amount of such payment as a trustee of the assignee and the assignor shall make payment of such amount to the assignee.

14. *Liability of debtor in case of an assignor being micro or small enterprises.*— (1) If the assignor of receivables is a micro or small enterprise, the liability of the debtor to make payment due on assigned receivables shall be subject to the provisions contained in sections 15 to 17 of the Micro, Small and Medium Enterprises Development Act, 2006 with regards to the delayed payments of the receivables. 27 of 2006.

(2) In the event of delay in payment on the part of the debtor to pay the receivable of any micro or small enterprise, the assignee shall be entitled to receive interest for the delayed period and shall take steps under the provisions of the Micro, Small and Medium Enterprises Development Act, 2006 27 of 2006. for the purpose of the recovery of the interest and shall pay such interest to the micro or small enterprise.

15. *Principle of debtor protection.*— (1) Save as otherwise provided in this Act, any assignment of the receivable shall not, without the express consent of the debtor in writing, affect the rights and obligations of the debtor (including the terms and conditions of the contract).

(2) Consequent upon the assignment of receivables, the payment instruction under

the contract entered into between assignor and debtor may modify the name of person, address or account to which the debtor is required to make payment, but such instructions shall not modify:—

(a) the amount of debt specified in the original contract; or

(b) the place specified in the original contract at which payment is to be made or in case no such place is mentioned in the contract, the place of payment to a place other than where the debtor is situated; or

(c) the date on which payment is to be made or other terms of the original contract relating to payment.

16. *Defences and right of set off of debtor.*— In a claim by the assignee against the debtor for payment of the assigned receivable, the debtor may raise against the assignee,—

(a) all defences and right of set off arising from the original contract, entered into between the assignor and debtor or any other contract that was part of the same transaction, of which the debtor could avail himself as if the assignment had not been made and such claim were made by the assignor instead of assignee:

Provided that the assignee shall, unless otherwise agreed between the parties, be entitled to recover from the assignor, any loss suffered by it as a result of any such defences and right of set off being exercised by the debtor;

(b) any other right of set off if it was available to the debtor at the time notice, under section 8, of the assignment was received by the debtor.

17. *Modification of original contract.*— (1) Any agreement made before service of notice, under section 8, of the assignment of a receivable between the assignor and the

debtor that affects the assignee's rights in respect of that receivable shall be effective as against the assignee, and the assignee shall acquire rights in the assigned receivables, as modified by such agreement.

(2) Any agreement made, after notice of the assignment between the assignor and the debtor that affects the assignee's rights, shall be ineffective as against the assignee unless,—

(a) the assignee consents to it; or

(b) the receivable is not fully earned by performance and either the modification is provided for in the original contract or, in the context of the original contract, a reasonable assignee would consent to the modification.

(3) Nothing contained in sub-sections (1) and (2) shall affect any right of the assignor or the assignee arising from breach of an agreement between them.

18. *Breach of contract.*— If the assignor commits any breach of the original contract with the debtor, such breach shall not entitle the debtor to recover from the assignee any sum paid by the debtor to the assignor or the assignee pursuant to the factoring transactions:

Provided that nothing contained in this section shall affect the rights of the debtor to claim from the assignor any loss or damages caused to him by reason of breach of the original contract.

CHAPTER V

Registration of assignments

19. *Registration of certain assignments of receivables transactions.*— (1) Every factor shall file, for the purposes of registration, the particulars of every transaction of assignment of receivables in his favour with the Central Registry to

be set-up under section 20 of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, within 54 of 2002. a period of thirty days from the date of such assignment or from the date of establishment of such registry, as the case may be, in the manner and subject to payment of such fee as may be prescribed in this behalf.

Explanation.— For the purpose of filing of particulars of every transaction of assignment of receivables with the Central Registry, the receivables may be described specifically or generally with reference to the debtor, or the period to which they relate or by any other general description by which such receivables can be identified.

(2) For the purposes of this Act, a record called the Central Register shall be kept at the head office of the Central Registry for entering the particulars of the transactions relating to assignment of receivables in favour of a factor.

(3) On realisation of the assigned receivables or settlement of the claim against the debtors, the factor shall file satisfaction of the assignment of receivables in its favour, in such manner and subject to payment of such fees as may be prescribed in this behalf.

(4) The provisions for registration of transactions contained in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and 54 of 2002. the rules made thereunder shall, *mutatis mutandis*, apply to the record of assignment of receivables in favour of a factor in the Central Register with the Central Registry.

20. *Public inspection.*— (1) The particulars of transactions of assignment of receivables entered in the Central Register of such transactions under section 19 shall be open during business hours for inspection by any

person on payment of such fee as may be prescribed.

(2) The Central Register referred to in sub-section (2) of section 19 maintained in electronic form, shall also be open during the business hours or such extended hours as may be specified by the Central Registry for inspection by any person through electronic media on payment of such fee as may be prescribed.

(3) The provisions for maintenance of Central Register and public inspection thereof contained in the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 and the 54 of 2002. rules made thereunder shall, *mutatis mutandis*, apply.

CHAPTER VI

Offences and Penalties

21. *Penalties.*— If a default is made in filing under section 19 the particulars of any transaction of assignment of receivables and realisation of receivables by a factor, such company and every officer of the company who is in default shall be punishable with fine which may extend to five thousand rupees for every day during which the default continues.

22. *Penalties for non-compliance of direction of Reserve Bank.*— (1) If any factor fails to comply with any direction issued by the Reserve Bank under section 6, the Reserve Bank may impose a penalty which may extend to five lakh rupees and in the case of a continuing offence, with an additional fine which may extend to ten thousand rupees for every day during which the default continues.

(2) For the purpose of adjudging the penalty under sub-section (1), the Reserve Bank shall serve notice on the factor requiring it to show cause why the amount specified in the notice should not be imposed and a reasonable

opportunity of being heard shall also be given to such factor.

(3) Any penalty imposed by the Reserve Bank under this section shall be payable within a period of fourteen days from the date on which notice issued by the Reserve Bank demanding payment of the sum is served on the factor and in the event of failure of the factor to pay the sum within such period, may be levied on a direction made by the principal civil court having jurisdiction in the area where the registered office of the factor is situated; or, in the case of a factor incorporated outside India, where its principal place of business in India is situated:

Provided that no such direction shall be made except on an application made to the court by the Reserve Bank or any officer authorised by Reserve Bank in this behalf.

(4) The court which makes a direction under sub-section (3) shall issue a certificate specifying the sum payable by the factor and every such certificate shall be enforceable in the same manner as if it were a decree made by the court in a civil suit.

23. *Offences.*— If any person contravenes or attempts to contravene or abets the contravention of the provisions of this Act or of any rules made thereunder, for which no specific penalty has been provided for, he shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

24. *Cognizance of offences.*— (1) No Court shall take cognizance of any offence punishable under this Act except upon a complaint in writing made by an officer of the Reserve Bank, generally or specially authorised in writing in this behalf by the Reserve Bank.

(2) No Court other than that of a Metropolitan Magistrate or a Judicial Magistrate of the first class or a court superior thereto shall try any such offence punishable under this Act.

25. *Offences by factors.*— (1) Where an offence under this Act has been committed by a factor, every person who at the time the offence was committed was in charge of, and was responsible to, the factor, for the conduct of the business of the factor, as well as the factor, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act, if he proves that the offence was committed without his knowledge or that he has exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a factor and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer of the factor, such director, manager, secretary or other officer shall also be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purpose of this section, a “director”, in relation to a factor means any officer entrusted with the management of the whole or substantially the affairs of the factor.

CHAPTER VII

Miscellaneous

26. *Provisions of this Act to override other laws.*— The provisions of this Act shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or any instrument having effect by virtue of any such law.

27. *Application of other laws not barred.*— The provisions of this Act

or the rules made thereunder shall be in addition to and not in derogation of the Negotiable Instruments Act, 1881, the Transfer of Property Act, 1882, the Reserve Bank of India Act, 1934, the Banking Regulation Act, 1949, the Companies Act, 1956, the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002, the Micro, Small and Medium Enterprises Development Act, 2006 or any other law for the time being in force.

28. *Limitation.*— No assignee of any receivable shall be entitled to take any measures for recovery of any assigned receivable, through any court or Tribunal unless his claim in respect of the receivable is made within the period of limitation specified under the Limitation Act, 1963.

29. *Confidentiality of information.*— Save as otherwise provided in this Act, or unless required to do so by an order passed by any Court or Tribunal or any other statutory authority under any provision of law for the time being in force or for the purpose of recovery of the receivable, a factor shall maintain confidentiality and shall not disclose to any person information obtained by it from, any assignor, its present and future customers, its commercial and business activities and the terms of sale between the assignor and any debtor and other detail about the assignor.

30. *Power to exempt.*— (1) The Central Government may, by notification in the public interest, direct that any of the provisions of this Act,—

(a) shall not apply to such class or classes of banks or a company or a factor; or

(b) shall apply to the such class or classes of banks or a company or a factor

with such exceptions, modifications and adaptations as may be specified in the notification.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or both the Houses agree that the notification shall not be issued or, the notification shall have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under the notification.

31. *Provisions of this Act not to apply or affect in certain cases.*— (1) The provisions of this Act shall not apply to any assignment of receivables arising under or from the following transactions, namely:—

(a) any merger, acquisition or amalgamation of business activities or sale or change in the ownership or legal status of the business;

(b) transactions on any stock exchange or commodities exchange regulated by the Securities and Exchange Board of India constituted under the provisions of the Securities and Exchange Board of India Act, 1992 ^{15 of 1992.} or by the Forward Markets Commission under the Forward Contracts (Regulation) Act, 1952, ^{74 of 1952.} respectively;

(c) financial contracts governed by netting agreements, except a receivable owed on the termination of all outstanding transactions;

(d) foreign exchange transactions except receivables in any foreign currency;

(e) inter-bank payment systems, inter-bank payment agreements or clearance and settlement systems relating to securities or other financial assets or instruments;

(f) bank deposits;

(g) a letter of credit or independent guarantee;

(h) rights and obligations of any person under the law governing negotiable instruments, negotiable warehouse receipts under the Warehousing (Development and Regulation) Act, 2007 or to instruments ^{37 of 2007.} which are for the time being, by law or custom negotiable or any mercantile document of title to goods;

(i) sale of goods or services for any personal, family or household use;

(j) any assignment of loan receivables by a bank or non-banking financial company to another bank or non-banking financial company;

(k) securitisation transactions (including assignment of receivables to special purpose vehicles or trusts that issue securities against such receivables, bought from a single debtor or single group of debtors).

(2) Nothing contained in this Act shall affect the rights and obligations of a consumer, manufacturer, trader or service provider under the provisions of the Consumer Protection Act, 1986. ^{68 of 1986.}

32. *Power of Central Government to make rules.*— (1) The Central Government may, in consultation with the Reserve Bank, by notification and in the Electronic Gazette as defined in clause (5) of sub-section (1) of section 2 of the Information Technology Act, 2000 ^{21 of 2000.}

make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for all or any of the following matters, namely:—

(a) the form and manner in which the transactions of assignment of receivables in favour of a factor shall be filed and the fee for filing such transaction under sub-section (1) of section 19;

(b) the form and manner in which satisfaction of assignment of receivable or settlement of the claim shall be registered and the fee for filing such transactions under sub-section 3 of section 19;

(c) fee for inspecting the Central Register under section 20; and

(d) any other matter which is required to be or may be prescribed, in respect of which provision is to be made or may be made by rules.

33. *Laying of rules.*— Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if,

before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

34. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in Official Gazette, make such provisions not inconsistent with the provisions of this Act, as may appear to be necessary for removing the difficulty:

Provided that no order shall be made under this section after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be, after it is made, before each House of Parliament.

35. *Amendments to certain enactments.*— The enactments specified in the Schedule shall be amended in the manner specified therein.

THE SCHEDULE

(See section 35)

Year	Act No.	Short title	Amendment
1	2	3	4
1899	2	The Indian Stamp Act 1899	After section 8C, the following section shall be inserted, namely:— '8D. Agreement or document for assignment of receivables not liable to stamp duty:— Notwithstanding anything contained in this Act or any other law for the time being in force, any agreement or other document for assignment of "receivables" as defined in clause (p) of section 2 of the Factoring Regulation Act, 2011 in favour of any "factor" as defined in clause (i) of section 2 of the said Act shall not be liable to duty under this Act or any other law for the time being in force.'

1	2	3	4
1908	5	The Code of Civil Procedure, 1908	In Order XXXVII, in rule 1, in sub-rule (2), in clause (b), after sub-clause (iii), the following sub-clause shall be inserted, namely:— “(iv) suit for recovery of receivables instituted by any assignee of a receivable.”.
1934	2	The Reserve Bank of India Act, 1934	In clause (d) of sub-section (1) of section 8, for the words “one Government official”, the words “two Government officials” shall be substituted.”.
2005	30	The Credit Information Companies (Regulation) Act, 2005	In section 2, in clause (f), after sub-clause (ii), the following sub-clause shall be inserted, namely:— “(ia) a factor as defined under clause (i) of section 2 of the Factoring Regulation Act, 2011.”.

Notification

10/3/2012-LA/99

The Academy of Scientific and Innovative Research Act, 2011 (Central Act No. 13 of 2012), which has been passed by Parliament and assented to by the President of India on 06-02-2012 and published in the Gazette of India, Extraordinary, Part II, Section I dated 07-02-2012, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 16th April, 2012.

THE ACADEMY OF SCIENTIFIC AND INNOVATIVE RESEARCH ACT, 2011

Arrangement of Sections

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Establishment of Academy of Scientific and Innovative Research.
4. Objects of Academy.

Sections

5. Relationship of Academy with Council of Scientific and Industrial Research.
6. Declaration of Academy as an institution of national importance.
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Sections

22. Appointment and duty of Director of Academy, etc.
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31. Review of functioning of Academy.
32. Appointments.
33. Conditions of service.
34. Arbitration.
35. Resignation, removal and suspension of Chairperson and other Members or Director.
36. Meetings.
37. Vacancies, etc., not to invalidate acts or proceedings of Board, Academy or any other body.
38. Power to remove difficulties.

**THE ACADEMY OF SCIENTIFIC AND
INNOVATIVE RESEARCH ACT, 2011**

AN

ACT

to establish an Academy for furtherance of the advancement of learning and prosecution of research in the field of science and technology in association with Council of Scientific and Industrial Research and to declare the institution known as the Academy of Scientific and Innovative Research, to be an institution of national importance to provide for its incorporation and matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title, extent and commencement.*—

(1) This Act may be called the Academy of Scientific and Innovative Research Act, 2011.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act.

2. *Definitions.*— In this Act, and in all Statutes and Ordinances made thereunder, unless the context otherwise requires,—

(a) “Academy” means the Academy of Scientific and Innovative Research established under sub-section (1) of section 3;

(b) “Board” means the Board of Governors of the Academy of Scientific and Innovative Research referred to in section 10;

(c) “Council of Scientific and Industrial Research” means a society registered by the name of the Council of Scientific and Industrial Research under the Societies Registration Act, 1860; 21 of 1860.

(d) “Chairperson” means the Chairperson of the Board appointed under section 12;

(e) “Chancellor” means the Chancellor of the Academy referred to in section 20;

(f) “Director” means the Director of the Academy appointed under section 22;

(g) “distinguished scientists” or “outstanding scientists” of the Council of Scientific and Industrial Research means scientists of the Council of Scientific and Industrial Research designated as such;

(h) “existing Academy” means the Academy of Scientific and Innovative Research established in pursuance of the Resolution of the Government of India in the Ministry of Science and Technology, Department of Scientific and Industrial Research, Council of Scientific and

Industrial Research, vide No. 6/1/CSIR-AcSIR/2010-PPD, dated the 1st July, 2010;

(i) “Faculty-of the Academy” means Academy Professors, Professors of Eminence, Distinguished Professors, Outstanding Professors, Senior Professors, Emeritus Professors, Professors, Associate Professors, Assistant Professors, visiting faculty, and such other persons as may be appointed for imparting instruction or conducting research in the Academy or institutions maintained by the Academy and includes the scientists of Council of Scientific and Industrial Research assigned for imparting instruction or conducting research;

(j) “notification” means a notification published in the Official Gazette;

(k) “Statutes and Ordinances” means the Statutes and the Ordinances of the Academy for the time being in force.

3. *Establishment of Academy of Scientific and Innovative Research.*— (1) With effect from such date as the Central Government may, by notification, appoint in this behalf, there shall be established for the purposes of this Act an Academy to be called the “Academy of Scientific and Innovative Research” as a body corporate by such name.

(2) The headquarters of the Academy shall be at such place as the Central Government may, by notification, specify.

(3) The Academy may have such number of regional centres and campuses, as it may deem fit.

(4) The Academy shall have perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property and to contract, and shall by that name, sue and be sued.

4. *Objects of Academy.*— (1) The objects of the Academy shall be to—

(a) disseminate advanced knowledge in science and technology, by providing teaching and research facilities in such branches of learning as it may deem fit, particularly in emerging areas and such areas as may emerge in future;

(b) undertake inter-disciplinary studies and research;

(c) conduct courses in, and integrate into its courses, inter-disciplinary and multi-disciplinary areas covering natural sciences, life sciences, mathematical and computational sciences, medical sciences, engineering, applied art, humanities, social sciences, law relating to these areas and interfaces thereof;

(d) take appropriate measures for innovations in teaching and learning processes;

(e) create an ambience for learning and scholarship in advanced science and technology instead of exclusively focusing on marks or grades;

(f) educate and train manpower in scientific and technological fields;

(g) establish linkages with industries in India and outside India for the promotion of science and technology;

(h) collaborate, in appropriate areas in the field of science and technology, with reputed universities and institutions in India or outside India;

(i) promote research in science and technology having a bearing on social, economic, cultural, intellectual and academic welfare of the people.

(2) The Academy shall primarily focus on research and imparting instruction in such areas as are not ordinarily taught in regular academic universities in India.

(3) The curricula, pedagogy and evaluation of the Academy shall be innovative and directed towards creating highest quality personnel with cross-disciplinary knowledge, aiming to provide leaders in the field of science and technology.

5. *Relationship of Academy with Council of Scientific and Industrial Research.*— (1) The Academy shall be, provided, or, allowed to use, the infrastructure and scientific manpower of the Council of Scientific and Industrial Research for teaching and research purposes for mutual benefit.

(2) The Academy, within two weeks of the commencement of this Act, shall, notwithstanding anything contained in any other Act, rules, regulations or bye-laws for the time being in force, enter into a Memorandum of Understanding with the Council of Scientific and Industrial Research, for the purposes of its affiliation with the Academy for the purposes of academics, teaching and award of degrees or diplomas, and, the persons pursuing the studies in the Council for award of any degree or diploma, after entering of such Memorandum of Understanding, be awarded degrees or diplomas by the said Academy:

Provided that any person pursuing any academic or research course, before the commencement of this Act, in the Council of Scientific and Industrial Research for award of any degree or diploma and registered for the said purpose with any other university, may, with the approval of the university with which such person is registered, migrate after such commencement to the Academy established under this Act and be registered with the said Academy for grant of the same degree or diploma by the Academy established under this Act and such person shall be deemed to have migrated and registered with the Academy established under this Act at the same level of study in the university from which such person migrated.

(3) Nothing contained in sub-section (1) or sub-section (2) shall be construed to affect the functions or powers of the Council of Scientific and Industrial Research, being discharged or exercised, before the commencement of this Act, by the Council or to affiliate with any other university or

institution for the purposes of academics, teaching and award of degrees or diplomas or for any other purposes necessary for pursuing its objects.

6. *Declaration of Academy as an institution of national importance.*— It is hereby declared that the Academy of Scientific and Innovative Research shall be an institution of national importance.

7. *Transfer of assets, liabilities, etc. of existing Academy to Academy established under this Act and other provisions, etc.*— (1) On and from the date of establishment of the Academy,—

(a) any reference to the existing Academy in any law other than this Act or in any contract or other instrument shall be deemed as a reference to the Academy;

(b) all properties and assets, movable and immovable, of, or belonging to, the existing Academy, shall vest in the Academy;

(c) all rights and liabilities of the existing Academy shall be transferred to, and be the rights and liabilities of the Academy;

(d) without prejudice to the provisions of clause (c), all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the existing Academy immediately before that date, for or in connection with the purpose of the said existing Academy shall be deemed to have been incurred, entered into or engaged to be done by, with or for, the Academy;

(e) all sums of money due to the existing Academy immediately before that date shall be deemed to be due to the Academy;

(f) all suits and other legal proceedings instituted or which could have been instituted by or against the existing Academy immediately before that date may be continued or may be instituted by or against the Academy;

(g) every employee (including those appointed for imparting instruction or conducting research in the existing Academy) holding any office under the existing Academy or teaching therein immediately before that date shall hold his office in the Academy or continue teaching therein by the same tenure and upon the same terms and conditions of service as respects remuneration, leave, provident fund, retirement and other terminal benefits as he would have held such office if the Academy had not been established and shall continue to do so as an employee of the Academy or until the expiry of the period of six months from that date if such employee opts not to be the employee of the Academy within such period.

(2) Any person pursuing any academic or research course, before the commencement of this Act, in the existing Academy for award of any degree or diploma or certificate shall be entitled to pursue such academic or research course after the establishment of the Academy under this Act and be registered with the said Academy for grant of the same degree or diploma or certificate by the Academy established under this Act and such person shall be deemed to have migrated and registered with the Academy established under this Act at the same level of study in the existing Academy from which such person migrated.

(3) Any person, who immediately before the commencement of this Act, had been awarded a degree or diploma or certificate for having qualified any course by the existing Academy, shall be entitled to award of equivalent degree or diploma by the Academy subject to approval by the Board of the Academy.

(4) Notwithstanding anything contained in the Industrial Disputes Act, 1947 or in any other law for the time being in force, absorption of any employee by the Academy in its regular service under this section shall not entitle such employee to,

any compensation under that Act or other law and no such claim shall be entertained by any court, tribunal or other authority.

8. *Functions and powers of Academy.*— (1) The Academy shall discharge its functions and exercise the following powers, namely:—

(i) to provide for instructions and conduct research in such branches of learning like natural sciences, life sciences, mathematical and computational sciences, medical sciences, engineering, applied art, humanities, social sciences, law relating to these areas and interfaces thereof, and in particular, in inter-disciplinary and multi-disciplinary areas of these branches, and in all such areas as may emerge in future and other emerging areas of knowledge, as the Academy may from time to time determine and make provision for advancement and dissemination of knowledge;

(ii) to lay administrative standards and structures and decide on all matters of creation of posts, laying down standards for recruitment, determining compensation packages, and contractual arrangements;

(iii) to design its curriculum and pedagogy for award of diplomas or certificates and confer degrees or other academic distinctions as it may deem fit;

(iv) to grant, subject to such conditions as the Academy may determine, diplomas or certificates and confer degrees or other academic distinctions on the basis of such methods of evaluation and to hold its examinations, as the Academy may, from time to time, determine and to withdraw any such diplomas, certificates, degrees or other academic distinctions for good and sufficient cause;

(v) to frame Statutes and Ordinances and to alter, modify or rescind the same;

(vi) to organise and undertake extramural studies, training and extension services;

(vii) to confer honorary degrees or other distinctions;

(viii) to provide distance education in such branches of learning and to such persons as it may determine;

(ix) to institute professorships, associate professorships and assistant professorships including Academy Professors, Professors of Eminence, Distinguished Professors, Outstanding Professors, Senior Professors, Emeritus Professors, or visiting positions and other teaching or academic or other positions, required by the Academy and to make appointments to such positions;

(x) to appoint persons from any other university, or institution, or industry, or persons of eminence from appropriate fields of studies, including those outside the country, as Faculty of the Academy;

(xi) to create administrative, ministerial and other posts and to make appointments thereto;

(xii) to co-operate or collaborate or associate with any body including, any university or institution, or industry, located in India or outside India;

(xiii) to establish such centres and specialised laboratories or other units for research and instruction as may be required;

(xiv) to set up schools, centres and campuses and function therefrom or conduct classes from any place of its choice, including the premises of laboratories or other centres of the Council of Scientific and Industrial Research;

(xv) to institute and award fellowships, scholarships, studentships, medals and prizes;

(xvi) to conduct research, advisory and consultancy services with or for any entity, public or private, whether in India or outside India, which are in conformity with the spirit and object of the Academy;

(xvii) to engage scientists of the Council of Scientific and Industrial Research as Faculty in imparting instruction and conducting research in the Academy;

(xviii) to establish, maintain and manage institutions and hostels for residence of students or establish and maintain such institutions through the Council of Scientific and Industrial Research or any other body;

(xix) to fix, demand and receive payment of fees and other charges;

(xx) to determine the standards of admission to the Academy, which may include examination, other innovative models of testing or evaluation;

(xxi) to supervise the residences of the students of the Academy and to make arrangements for promoting their health, general welfare, cultural and corporate life;

(xxii) to lay down conditions of service for all categories of employees, including their code of conduct;

(xxiii) to regulate and enforce discipline, among the students and employees and to take such disciplinary measures in this regard as may be necessary;

(xxiv) to make arrangements for promoting the health and general welfare of the employees;

(xxv) to receive grants, benefactions, donations, gifts, bequests and transfer or acquire, hold and manage and dispose of any property movable or immovable, including trust and endowment properties for the purposes of the Academy;

Provided that no such grants, benefactions, donations, gifts, bequests and transfer shall be accepted by the Academy which in the opinion of the Board involves conditions or obligations opposed to the spirit and object of this Act;

(xxvi) to borrow, on the security of property of the Academy or otherwise,

money for the purposes of the Academy or utilise its property for such purposes as are in conformity with the spirit and object of this Act;

(xxvii) to do all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of its objects.

(2) In exercising its powers referred to in sub-section (1), it shall be the endeavour of the Academy to maintain an all India character and high standards of teaching and research, and, the Academy shall, among other measures which may be necessary for the said purpose, take, in particular, the following measures, namely:—

(i) subject to the provisions of section 9, the admission of students shall be made on merit;

(ii) continuous evaluation or other innovative methods of evaluation and choice based credit system may be introduced and the Academy may enter into agreements with other universities and academic institutions in India or outside India for credit transfer and joint degree programmes;

(iii) innovative courses and programmes of studies shall be introduced with a provision for periodic review and restructuring;

(iv) the imparting of instruction shall be, as far as may be, through use of modern techniques or technologies;

(v) the systems and structures of the Academy should be flexible to adapt to the requirements of multi-disciplinary and inter-disciplinary studies;

(vi) active participation of students may be ensured in governance of academic matters of the Academy.

9. *Academy open to all castes, creed, race or class.*— (1) The Academy shall be open to

all persons, of either sex, irrespective of caste, creed, race or class, and it shall not be lawful for the Academy to adopt or impose on any person, any test whatsoever of religious belief or profession in order to be entitled to be appointed as a Faculty of the Academy or to hold any other office therein, or to be employed therein or to be admitted as a student in the Academy or to graduate thereat or to enjoy or exercise any privilege thereof.

(2) The Academy shall make special provision for the employment or admission of women, persons with disabilities, or of persons belonging to the weaker sections of the society and, in particular, of the Scheduled Castes, the Scheduled Tribes and the other socially and educationally backward classes of citizens and any exemption from making such reservation under the proviso to clause (b) of section 4 of the Central Educational Institutions (Reservation in Admission) Act, 2006 shall not be applicable to the Academy: 5 of 2007.

Provided that no such special provision shall be made on the ground of domicile.

10. *Authorities of Academy.*— The following shall be the authorities of the Academy, namely:—

(a) The Board;

(b) Senate;

(c) Director;

(d) Boards of Studies;

(e) such other authorities as may be declared by the Statutes to be the authorities of the Academy.

11. *Composition of Board of Governors.*— (1) The Board referred to in clause (a) of section 10 shall consist of the following, namely:—

(a) the Chairperson of the Board, to be appointed under section 12;		of Scientific and Industrial Research,	under section 14;
(b) the Director-General of the Council of Scientific and Industrial Research,	<i>ex officio</i> Vice-Chairperson;	(1) the Director of the Academy,	<i>ex officio</i> member.
(c) the President of the Indian National Science Academy,	<i>ex officio</i> member;	(2) The Chairperson shall ordinarily preside over the meetings of the Board.	
(d) the Chairman, Atomic Energy Commission, Government of India,	<i>ex officio</i> member;	(3) The Board may evolve its own procedure for the purpose of conducting its meetings and transacting business therein.	
(e) the Chairman, Space Commission, Government of India,	<i>ex officio</i> member;	(4) The Associate Director in charge of administration of the Academy shall be the Secretary of the Board.	
(f) the Chairman, University Grants Commission, Government of India,	<i>ex officio</i> member;	12. <i>Appointment of Chairperson.</i> — (1) The Chairperson shall be appointed by the President of the Council of Scientific and Industrial Research, on the recommendation of the selection committee constituted under sub-section (2):	
(g) the Finance Secretary in the Ministry of Finance, Government of India,	<i>ex officio</i> member;	Provided that the Director-General of the Council of Scientific and Industrial Research, being the <i>ex officio</i> Vice-Chairperson, as referred to in clause (b) of sub-section (1) of section 11, shall act as the Chairperson until the first Chairperson is selected and appointed in accordance with the provisions of this Act:	
(h) the heads of three premier institutions in the field of imparting education in Science and Technology,	members to be nominated under section 13;	Provided further that no person shall be selected and appointed as Chairperson unless such person is an Indian citizen.	
(i) four distinguished scientists or academicians of global eminence, of which two should be from reputed institutions outside India,	members to be nominated under section 13;	(2) The selection committee referred to in sub-section (1) shall consist of four eminent scientists or technologists of international repute, as may be nominated by the President of the Council of Scientific and Industrial Research.	
(j) three eminent industrialists or technologists,	members to be nominated under section 13;	(3) At least two eminent scientists or technologists of international repute nominated under sub-section (2) shall be from the heads of international societies, academies, or similar organisations in the field of science and technology.	
(k) four distinguished scientists or outstanding scientists or Directors of laboratories of Council	members to be nominated		

(4) The selection committee referred to in sub-section (2) shall—

(a) be constituted within six months before the completion of tenure of the incumbent as the Chairperson of the Board;

(b) submit its recommendation at least three months before the completion of the tenure of the incumbent Chairperson.

(5) The selection committee may evolve its own procedure for the purposes of meetings and making recommendations under sub-section (1) including making recommendations in respect of a person who has not applied for the post of Chairperson.

(6) Three members of the selection committee referred to in sub-section (1) shall form quorum for the meeting of the committee.

(7) The Chairperson shall exercise such other powers and perform such other functions as may be assigned to him by this Act or the Statutes.

13. *Nomination of distinguished scientists or academicians of global eminence, eminent industrialists or technologists and heads of three premier institutions in the field of imparting education in science and technology.*— The heads of three premier institutions in the field of imparting education in science and technology, referred to in clause (h), the distinguished scientists or academicians of global eminence referred to in clause (i), and eminent industrialists or technologists referred to in clause (j), of sub-section (1) of section 11, shall be nominated, by the President of the Council of Scientific and Industrial Research.

14. *Nomination of distinguished scientists or outstanding scientists of Council of Scientific and Industrial Research or Directors of Council of Scientific and Industrial Research laboratories.*— The nomination of distinguished scientists or outstanding scientists of the Council of Scientific and Industrial Research or Directors of Council of

Scientific and Industrial Research laboratories, referred to in clause (k) of sub-section (1) of section 11 shall be made by the Governing Body of the Council of Scientific and Industrial Research.

15. *Allowances payable to members of Board.*— The members of the Board shall be entitled to such allowances, if any, from the Academy, as may be provided for, in the Statutes but no member other than the Director of the Academy referred to in clause (l) of sub-section (1) of section 11, shall be entitled to any salary by reason of this section.

16. *Term of office of members of Board.*— (1) Save as otherwise provided in this section, term of office of the Chairperson or any other nominated member of the Board shall be four years, being one term of the Board and they shall not be eligible to be re-appointed as Chairperson or nominated as a member, as the case may be.

Explanation I.— The period of term of office of the Chairperson or any other nominated member of the Board [other than *ex officio* Vice-Chairperson and *ex officio* members and nominated members under clause (k) of sub-section (1) of section 11] of the existing Academy shall be counted for the purposes of this sub-section.

Explanation II.— For the removal of doubt it is hereby declared that a person who held the office of a member shall not be eligible to be re-appointed as a member but may be appointed as the Chairperson in accordance with the provisions of this Act:

Provided that an outgoing member of the Board shall, unless or otherwise directed, continue in office until another person is appointed, or, as the case may be, nominated as a member in his place.

(2) In the event of vacancy in the office of the Chairperson, by reason of his death or resignation or otherwise, the Vice-Chairperson shall act as the Chairperson

until a new Chairperson is appointed in accordance with the provisions of this Act to fill the vacancy and enter upon his office:

Provided that a person appointed due to a vacancy in the office of Chairperson under sub-section (2), shall be eligible to be appointed as Chairperson in accordance with the provisions of this Act only for one term in addition to the period for which he was appointed to fill the vacancy of Chairperson.

(3) In the event of vacancy in the office of a nominated member under clauses (h), (i), (j) and (k) of sub-section (1) of section 11 by reason of his death or resignation or otherwise, the vacancy shall be filled in accordance with the provisions of this Act:

Provided that a person nominated under sub-section (1) of section 11 due to a vacancy in the office of the member, such person shall be eligible to be nominated only for one term as member in accordance with the provisions of this Act, in addition to the period for which he was nominated to fill the vacancy.

(4) The term of office of an *ex officio* member shall continue as long as he holds the office by virtue of which he is a member.

(5) One-fourth of the members, being distinguished scientists or outstanding scientists or Directors of laboratories of the Council of Scientific and Industrial Research nominated under clause (k) of sub-section (1) of section 11 shall retire every year and new members shall be nominated in their place in accordance with the provisions of this Act:

Provided that, notwithstanding anything contained in this sub-section, the members, being distinguished scientists or outstanding scientists of the Council of Scientific and Industrial Research or Directors of the Council of Scientific and Industrial Research laboratories nominated under clause (k) of sub-section (1) of section 11, immediately after the commencement of this Act for the first time, may hold office for such period, as may

be specified in their nomination and provisions of this sub-section shall not be applicable to such nominated members.

17. *Powers of Board.*— (1) Subject to the provisions of this Act, the Board shall be responsible for the general superintendence, direction and control of the affairs of the Academy and shall exercise all the powers of the Academy not otherwise provided for by this Act, the Statutes and the Ordinances, and shall have the power to review the acts of the Senate.

(2) Without prejudice to the provisions of sub-section (1), the Board shall have the powers to—

(a) take decisions on questions of policy relating to the administration and working of the Academy;

(b) institute courses of study at the Academy;

(c) make Statutes;

(d) institute and appoint persons to academic as well as other posts in the Academy;

(e) consider and modify or cancel or rescind Ordinances;

(f) consider and pass resolutions on the annual report, the annual accounts and the budget estimates of the Academy for the next financial year, together with a statement of its development plans;

(g) approve investments in infrastructure of the Academy in any land or building;

(h) exercise such other powers and perform such other duties as may be conferred or imposed upon it by this Act or the Statutes.

(3) The Board shall also have the power to appoint such committees of one or more persons as it considers necessary for exercise

of its powers and the performance of its duties and hold enquiries under this Act.

18. *Senate*.— (1) The Senate shall consist of the following, namely:—

(a) the Director, *ex officio*, who shall be the Chairperson of the Senate;

(b) all Associate Directors, *ex officio* members;

(c) all Deans of the Academy, *ex officio* members;

(d) two Professors from each area of study represented by the Boards of Studies of the Academy, as may be nominated by the Board, *ex officio* members;

(e) two scientists of the Council of Scientific and Industrial Research, who being the youngest in age; and recipient of Shanti Swaroop Bhatnagar Award; and who are also Faculty of the Academy, as may be nominated by the Director-General of the Council of Scientific and Industrial Research;

(f) two scientists of the Council of Scientific and Industrial Research, who being the youngest in age; and recipient of CSIR-Young Scientist Award; and who are Faculty of the Academy, as may be nominated by the Director-General of the Council of Scientific and Industrial Research;

(g) three Directors or distinguished scientists or outstanding scientists of the Council of Scientific and Industrial Research laboratories, nominated by its Director-General;

(h) three persons, not being the employees of the Academy or the Council of Scientific and Industrial Research, to be nominated by the Chancellor in consultation with the Director from amongst educationists of repute, one being from each of the fields of science, engineering and social sciences;

(i) such other members of the staff as may be laid down in the Statutes.

(2) The tenure of the nominated members under clauses (d) to (h) of sub-section (1) shall be two years:

Provided that the Senate shall not, at any time, have less than fifty per cent. of its members from the Council of Scientific and Industrial Research scientists teaching in the Academy.

19. *Powers of Senate*.— Subject to the provisions of this Act, the Statutes and the Ordinances, the Senate of the Academy shall have the control and general regulation, and be responsible for the maintenance, of standards of instruction, education and examinations in the Academy and shall exercise such other powers and perform such other duties as may be conferred or imposed upon it by the Statutes and Ordinances.

20. *Chancellor of Academy*.— (1) The Chairperson of the Board shall be the Chancellor of the Academy.

(2) The Chancellor shall ordinarily preside at the Convocations of the Academy.

21. *Director of Academy*.— The Director shall be the principal academic and executive officer of the Academy and shall be responsible for the administration of the Academy and imparting instruction, research and maintenance of discipline.

22. *Appointment and duty of Director of Academy, etc.*— (1) The Director shall be appointed, by the President of the Council of Scientific and Industrial Research, on the recommendation of the selection committee constituted under sub-section (2).

(2) The selection committee referred to in sub-section (1) shall consist of—

(a) the Chairperson of the Board;

(b) the Vice-Chairperson of the Board;

(c) the President of the Indian National Science Academy;

(d) the Chairman, Atomic Energy Commission, Government of India;

(e) the Chairman, Space Commission; Government of India.

(3) The selection committee referred to in sub-section (2) shall—

(a) be constituted within six months before the completion of tenure of the incumbent as the Director;

(b) submit its recommendation at least three months before the completion of the tenure of the incumbent Director.

(4) The selection committee may evolve its own procedure for the purposes of meetings and making recommendations under sub-section (1) including making recommendations in respect of a person who has not applied for the post of Director.

(5) Three members of the selection committee referred to in sub-section (1) shall form quorum for the meeting of the committee:

Provided that no person shall be selected or nominated as Director unless such person is an Indian citizen.

(6) It shall be the duty of the Director that the decisions taken by the Board are implemented.

(7) The Director shall submit an annual report and accounts of the Academy to the Board.

(8) The Director shall exercise such other powers and perform such other duties as may be assigned to him by this Act or the Statutes or the Ordinances.

(9) The term of the Director shall be five years.

23. *Associate Directors.*— (1) The Associate Directors of the Academy shall, be appointed by the Director with the approval of the Board, from amongst Professors of the Academy or scientists of the Council of Scientific and Industrial Research engaged in academic activity in the Academy, for such period, and on such terms and conditions, as may be laid down by the Statutes, and, shall exercise such powers and perform such duties as may be assigned to them by this Act or the Statutes or by the Director.

(2) The Board may assign any other designation for the Associate Directors, for the purpose of administrative convenience or academic efficiency.

24. *Powers of other authorities.*— (1) The constitution and powers of Board of Studies shall be such as may be provided in the Statutes.

(2) The powers, including the financial powers and duties of authorities, officers and other functionaries of the Academy shall be as provided by the Statutes.

25. *Funds of Academy.*— (1) The Academy shall maintain and retain a fund to which shall be credited—

(a) all fees (including tuition fees) and other charges received by the Academy;

(b) all monies received by the Academy by way of grants, gifts, donations, benefactions, bequests or transfers;

(c) monies for projects undertaken by the Academy;

(d) income from investment made by the Academy or from any other source;

(e) the funds received from the Council of Scientific and Industrial Research, by way of loan or otherwise;

(f) all monies received by the Academy in any other manner or from any other source.

(2) All monies credited to the fund of the Academy shall be deposited in such banks or invested in such manner as the Academy may, with the approval of the Board, decide.

(3) The fund shall be applied for meeting,—

(a) the salaries, allowances and other remuneration of the Chairperson, members of the Board or Faculty, officers and other employees or members of the committees set up by the Academy;

(b) the expenses of the Academy in the discharge of its functions or exercise of its powers under section 8;

(c) the expenses on objects of, and for purposes authorised by, this Act.

(4) All expenditure of the Academy shall be within the framework of a budget approved by the Board.

26. *Accounts.*— (1) The Academy shall maintain proper and separate accounts giving therein the details of all receipts in, and, expenditure from, such fund and other relevant particulars.

(2) The accounts referred to in sub-section (1) shall be prepared and got audited before the expiry of six months from the end of each financial year.

(3) The Academy shall submit to the Board and the Council of Scientific and Industrial Research, the accounts, referred to in sub-section (1) duly audited under section 27 and signed by the Director, Associate Director in charge of Finance and Associate Director in charge of Administration.

(4) The Council of Scientific and Industrial Research referred to in sub-section (3), the Board and any other person appointed by them in connection with the audit of the accounts of the Academy shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect any of the offices of the Academy.

27. *Audit of accounts and its publications.*— (1) The accounts of the Academy shall, without prejudice to the provisions contained in the Comptroller and Auditor-General's (Duties, Powers and Conditions of Service) Act, 1971, 56 of 1971, be audited by auditors who may be appointed by the Board for the term of one year and such auditors shall be eligible for re-appointment.

(2) No person shall be eligible to be appointed as an auditor under sub-section (1) unless he is a chartered accountant as defined in clause (b) of sub-section (1) of section 2 of the Chartered Accountants Act, 1949, and who 38 of 1949, has obtained a certificate of practice under sub-section (1) of section 6 of that Act.

(3) The accounts of the Academy shall, after the completion of the audit under sub-section (1) and submission thereof to the Board and the Council of Scientific and Industrial Research be published on the website of the Academy.

28. *Statutes.*— (1) The Statutes of the Academy shall be enacted by the Board.

(2) Without prejudice to the provisions contained in sub-section (1), the, Senate may make recommendations for enactment of Statutes to the Board.

(3) The Board may, from time to time, make new Statutes or may amend or repeal or rescind the Statutes with effect from such date as it may direct.

29. *Matters to be provided by Statutes.*— Subject to the provisions of this Act, the Statutes may provide for all or any of the matters considered necessary by the Board for functioning of the Academy within the frame work of this Act, including the following matters, namely:—

(a) the conferment of degrees and diplomas;

(b) the constitution, powers and functions of the Board of Studies;

(c) the tuition fee and other fees to be charged;

(d) the institution of fellowships, scholarships, medals and prizes;

(e) the term of office and the method of appointment of officers of the Academy;

(f) the qualification of Faculty of the Academy (other than the scientists of the Council of Scientific and Industrial Research engaged in the service of the Academy), officers and other staff of Academy;

Provided that the scientists of the Council of Scientific and Industrial Research engaged in the service of the Academy shall be governed by the qualifications specified by the Council and nothing contained in this Act shall be construed to disqualify them from undertaking the service of the Academy or engaging them as Faculty of the Academy;

(g) the classification, the method of appointment and the determination of the terms and conditions of service of Faculty, officers and other staff of the Academy;

(h) the provision of insurance fund, provident fund and other retirement benefits, for the benefit of the Faculty, officers and other staff of the Academy;

(i) the constitution, powers and duties of authorities of the Academy;

(j) the establishment and maintenance of hostels;

(k) the conditions of residence of students of the Academy and the levying of fees for residence in the hostels and of other charges;

(l) the allowances to be paid to the Chairperson and other members of the

Board and any committee constituted by the Academy;

(m) the meetings of the Board, the Senate, or any committee, the quorum at such meetings and the procedure to be followed in the conduct of their business;

(n) any other matter which may be required or necessary for the purposes of this Act.

30. *Ordinances.*— (1) Subject to the provisions of this Act and the Statutes, the Ordinances of the Academy may provide for all or any of the following matters, namely:—

(a) the admission of the students;

(b) the courses of study;

(c) the conditions under which students shall be admitted and shall be eligible for degrees, diplomas and certificates and to the examinations of the Academy, and shall be eligible for the degrees, diplomas and certificates;

(d) the conditions of award of the fellowships, scholarships, medals and prizes;

(e) the condition and mode of appointment and duties of examining bodies, examiners and moderators;

(f) the conduct of examinations;

(g) the maintenance of discipline among students of the Academy;

(h) any other matter which by this Act or the Statute, is to be, or, may be, provided for by the Ordinances.

(2) Save as otherwise provided in this section, Ordinances shall be made by the Senate.

(3) All Ordinances made by the Senate shall have the effect from such date as it may direct, but every Ordinance so made shall be

submitted, as soon as may be, to the Board and shall be considered by the Board in its subsequent meeting.

(4) The Board shall have the power by resolution to modify or cancel or rescind any of the Ordinances and such Ordinances shall, from the date of such resolution stand modified accordingly or cancelled or rescinded, as the case may be.

31. Review of functioning of Academy.—

(1) There shall be a review of the functioning of the Academy once in every four years by persons of eminence to be appointed by the Council of Scientific and Industrial Research.

(2) The Academy shall meet the expenses for conducting the review under sub-section (1) and upon receipt of the report of such review, the Board may take appropriate action.

(3) In addition to the review under sub-section (1), the Board may conduct review of functioning of administrative and academic wings of the Academy, in such manner and at such intervals, as may be provided in the Statutes.

32. Appointments.— All appointments of the staff of the Academy (except appointment of the Director), shall be made in accordance with the procedure laid down in the Statute, by—

- (a) the Board for the academic staff;
- (b) the Director, in any other case.

33. Conditions of service.— (1) Every employee of the Academy shall be appointed on contractual basis under a written contract, which shall be lodged with the Academy and a copy of which shall be furnished to the employee concerned:

Provided that all scientists and other employees of the Council of Scientific and Industrial Research engaged in the service of the Academy shall be governed by the service conditions, rules and regulations of the Council of Scientific and Industrial Research.

(2) The Academy shall have a flexible compensation system which recognises performance, as laid down in the Statutes, to bring the best talent in the Academy:

Provided that the scientists of the Council of Scientific and Industrial Research—

(a) engaged in the service of the Academy; and

(b) who draw their salary from the Council,

shall be eligible for such allowances or honorarium, as may be determined by the Statute.

34. Arbitration.— (1) Any dispute arising out of a contract between the Academy and any of its employees shall, at the request of the employee concerned or at the instance of the Academy, be referred to a Tribunal of Arbitration consisting of one member appointed by the Director, one member nominated by the employee, and such two arbitrators shall appoint the third arbitrator who shall act as the presiding arbitrator.

(2) The arbitration under sub-section (1) shall be governed by the Arbitration and Conciliation Act, 1996.

26 of 1996.

35. Resignation, removal and suspension of Chairperson and other Members or Director.— (1) The Chairperson or any Member of the Board other than *ex officio* Members of the Board or Director may, by notice in writing under his hand addressed to the President of the Council of Scientific and Industrial Research, resign his office:

Provided that the Chairperson or such Member or Director shall, unless he is permitted by the President of the Council of Scientific and Industrial Research to relinquish his office sooner, continue to hold office until the expiry of three months from the date of receipt of such notice or until a person duly appointed as his successor enters

upon his office or until the expiry of his term of office, whichever is the earliest.

(2) The President of the Council of Scientific and Industrial Research may remove from office the Chairperson or any Member of the Board or the Director, who—

(a) has been adjudged an insolvent; or

(b) being the Director has engaged at any time, during his term of office, in any paid employment; or

(c) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(d) has become physically or mentally incapable of acting as such Chairperson or Member or Director; or

(e) is of unsound mind and stands so declared by a competent court; or

(f) has acquired such financial or other interest as is likely to affect prejudicially the exercise of his functions as such Chairperson or Member or Director; or

(g) has so abused his position as to render his continuance in office prejudicial to the public interest; or

(h) has been guilty of proved misbehaviour; or

(i) has such other disqualifications as may be prescribed.

(3) Notwithstanding anything contained in sub-section (1), the Chairperson or a Member of the Board or the Director shall not be removed from his office on the grounds specified in clause (f) or clause (g) or clause (h) of sub-section (1), except by an order made by the President of the Council of Scientific and Industrial Research after an inquiry made in this behalf in which such Chairperson or Member or Director has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges.

(4) In the event of inquiry instituted under sub-section (2), the President of the Council of Scientific and Industrial Research may suspend such Chairperson or Member or Director against whom inquiry has been instituted for a period not exceeding six months if it is considered necessary in public interest.

(5) The President of the Council of Scientific and Industrial Research may, by rules, regulate the procedure for the inquiry referred to in sub-section (2).

(6) In case any nominated member under clause (k) of sub-section (1) of section 11 in the Board incurs any of the disqualifications under clauses (a) to (i) of sub-section (1), such nominated member shall not be eligible to be nominated as such and his nomination as nominated member shall be revoked by those who nominated such member.

36. *Meetings.*— The meetings of the Board, Senate, or other committees constituted by the Academy may be held using contemporary tools of information and communication technologies (including video-conferencing) without the members necessarily having to be physically present.

37. *Vacancies, etc., not to invalidate acts or proceedings of Board, Academy or any other body.*— No act of the Board or the Academy or any other body set up under this Act or the Statutes, shall be invalid merely by reason of—

(a) any vacancy in, or defect in the constitution thereof; or

(b) any defect in the selection, nomination or appointment of a person acting as a member thereof; or

(c) any irregularity in its procedure not affecting the merits of the case.

38. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government

may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for, removing the difficulty:

Provided that no such order shall be made under this section after the expiry of three years from the commencement of this Act.

(2) Every order made under sub-section (1) shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the order or both Houses agree that the order should not be made, the order shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that order.

Notification

10/3/2011-LA/107

The Orissa (Alteration of Name) Act, 2011 (Central Act No. 15 of 2011), which has been passed by Parliament and assented to by the President of India on 23-09-2011 and published in the Gazette of India, Extraordinary, Part II, Section I dated 23-09-2011, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 18th April, 2012.

THE ORISSA (ALTERATION OF NAME) ACT, 2011

AN

ACT

to alter the name of the State of Orissa.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Orissa (Alteration of Name) Act, 2011.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “appointed day” means the date appointed under sub-section (2) of section 1 for the coming into force of this Act;

(b) “appropriate Government” means, as respects a law relating to a matter enumerated in List I in the Seventh Schedule to the Constitution, the Central Government, and as respects any other law, the State Government;

(c) “law” includes any enactment, Ordinance, regulation, order, bye-law, rule, scheme, notification or other instrument having the force of law in the whole or any part of the State of Orissa.

3. *Alteration of name of State of Orissa.*— As from the appointed day, the State of Orissa shall be known as the State of Odisha.

4. *Amendment of article 164.*— In article 164 of the Constitution, in clause (1), in the proviso, for the word “Orissa”, the word “Odisha” shall be substituted.

5. *Amendment of article 273.*— In article 273, in clause (1), for the word “Orissa”, the word “Odisha” shall be substituted.

6. *Amendment of First Schedule to the Constitution.*— In the First Schedule to the Constitution, under the heading “I. THE STATES”, in entry 10, under the column “Name”, for the word “Orissa”, the word “Odisha” shall be substituted.

7. *Amendment of Fourth Schedule to the Constitution.*— In the Fourth Schedule to the Constitution, under the heading “TABLE”, in entry 14, in the second column, for the word “Orissa”, the word “Odisha” shall be substituted.

8. *Power to adapt laws.*— (1) For the purpose of giving effect to the alteration of the name of the State of Orissa by section 3, the appropriate Government may, before the expiration of one year from the appointed day, by order, make such adaptations and modifications of any law made before the appointed day, whether by way of repeal or amendment, as may be necessary or expedient, and thereupon every such law shall have effect subject to the adaptations and modifications so made.

(2) Nothing in sub-section (1) shall be deemed to prevent a competent Legislature or other competent authority from repealing or amending any law adapted or modified by the appropriate Government under the said sub-section.

9. *Power to construe laws.*— Notwithstanding that no provision or insufficient provision has been made under section 8 for the adaptation of a law made before the appointed day, any court, tribunal or authority, required or empowered to enforce such law, may construe the law in such manner, without affecting the substance, as may be necessary or proper in regard to the matter before the court, tribunal or authority.

10. *Legal proceedings.*— Where immediately before the appointed day any legal proceedings are pending to which the State of Orissa is a party, the State of Odisha shall be deemed to have been substituted for the State of Orissa in those proceedings.

Notification

10/3/2011-LA/112

The Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2011 (Central Act No. 10 of 2011), which has been passed by Parliament and assented to by the President of India on 27-08-2011 and published in the Gazette of India, Extraordinary, Part II, Section I dated 29-08-2011, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 18th April, 2012.

THE JAWAHARLAL INSTITUTE OF POST-GRADUATE MEDICAL EDUCATION AND RESEARCH, PUDUCHERRY (AMENDMENT) ACT, 2011

AN

ACT

to amend the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title.*— (1) This Act may be called the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2011.

2. *Amendment of section 28 of Act 19 of 2008.*— In section 28 of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry Act, 2008, in sub-section (1),—

(a) for the words “one year”, at both the places where they occur, the words “three and one-half years” shall be substituted;

(b) in the proviso, for the words “Provided that”, the following shall be substituted, namely:—

“Provided that the employees, who have, or as the case may be, who have not, exercised their option and not transferred out of the Institute as on the date of coming into force of the Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry (Amendment) Act, 2011, may exercise their option afresh before the specified period:

Provided further that”.

Notification

10/3/2011-LA/115

The State Bank of India (Subsidiary Banks) Amendment Act, 2011 (Central Act No. 7 of 2011), which has been passed by Parliament and assented to by the President of India on 01-04-2011 and published in the Gazette of India, Extraordinary, Part II, Section I dated 04-04-2011, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 18th April, 2012.

THE STATE BANK OF INDIA (SUBSIDIARY BANKS) AMENDMENT ACT, 2011

AN

ACT

*further to amend the State Bank of India
(Subsidiary Banks) Act, 1959.*

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the State Bank of India (Subsidiary Banks) Amendment Act, 2011.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 2.*— In section 2 of the State Bank of India (Subsidiary Banks) Act, 1959 ^{38 of 1959} (hereinafter referred to as the principal Act),—

(i) in clause (b), sub-clause (ii) shall be omitted;

(ii) in clause (c), sub-clause (ii) shall be omitted;

(iii) in clause (d), sub-clause (ii) shall be omitted.

3. *Amendment of section 3.*— In section 3 of the principal Act, clause (b) shall be omitted.

Notification

10/3/2011-LA/106

The Transplantation of Human Organs (Amendment) Act, 2011 (Central Act No. 16 of 2011), which has been passed by Parliament and assented to by the President of India on 27-9-2011 and published in the Gazette of India, Extraordinary, Part II, Section I dated 28-9-2011, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 18th April, 2012.

**THE TRANSPLANTATION OF HUMAN
ORGANS (AMENDMENT) ACT, 2011**

AN

ACT

*to amend the Transplantation of Human
Organs Act, 1994.*

Whereas it is expedient to amend the said law enacted by Parliament relating to regulation of removal, storage and transplantation of human organs for therapeutic purposes and for prevention of commercial dealings in human organs;

And whereas Parliament has no power to make or amend laws for the States with respect to any of the matters aforesaid except as provided in articles 249 and 250 of the Constitution;

And whereas in pursuance of clause (1) of article 252 of the Constitution, resolutions have been passed by all the Houses of the Legislatures of the States of Goa, Himachal Pradesh and West Bengal to the effect that the aforesaid Act should be amended by Parliament;

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title, application and commencement.*— (1) This Act may be called the Transplantation of Human Organs (Amendment) Act, 2011.

(2) It applies, in the first instance, to the whole of the States of Goa, Himachal Pradesh and West Bengal and to all the Union territories and it shall also apply to such other State which adopts this Act by resolution passed in that behalf under clause (1) of article 252 of the Constitution.

(3) It shall come into force in the States of Goa, Himachal Pradesh and West Bengal and in all the Union territories on such date as the Central Government may, by notification, appoint and in any other State which adopts this Act under clause (1) of article 252 of the Constitution on the date of such adoption; and any reference in this Act to the commencement of this Act shall, in relation to any State or Union territory, means the date on which this Act comes into force in such State or Union territory.

2. *Amendment of long title.*— In the Transplantation of Human Organs Act, 1994 (hereinafter 42 of 1994. referred to as the principal Act), in the long title, for the words “human organs for therapeutic purposes and for the prevention of commercial dealings in human organs”, the words “human organs and tissues for therapeutic purposes and for the prevention of commercial dealings in human organs and tissues” shall be substituted.

3. *Amendment of section 1.*— In section 1 of the principal Act, in sub-section (1), for the words “Human Organs”, the words “Human Organs and Tissues” shall be substituted.

4. *Substitution of references to certain expressions by certain other expressions.*— Throughout the principal Act [except clause (h) of section 2, sub-section (5) of section 9, sub-section (1) of section 18 and section 19], unless otherwise expressly provided, for the

words “human organ” and “human organs”, wherever they occur, the words “human organ or tissue or both” and “human organs or tissues or both” shall respectively be substituted with such consequential amendments as the rules of grammar may require.

5. *Amendment of section 2.*— In section 2 of the principal Act,—

(a) after clause (h), the following clauses shall be inserted, namely:—

‘(ha) “Human Organ Retrieval Centre” means a hospital,—

(i) which has adequate facilities for treating seriously ill patients who can be potential donors of organs in the event of death; and

(ii) which is registered under sub-section (1) of section 14 for retrieval of human organs;

(hb) “minor” means a person who has not completed the age of eighteen years;’

(b) for clause (i), the following clause shall be substituted, namely:—

‘(i) “near relative” means spouse, son, daughter, father, mother, brother, sister, grandfather, grandmother, grandson or granddaughter;’

(c) in clause (o), the word “and” shall be omitted;

(d) after clause (o), the following clauses shall be inserted, namely:—

‘(oa) “tissue” means a group of cells, except blood, performing a particular function in the human body;

(ob) “Tissue Bank” means a facility registered under section 14A for carrying out any activity relating to the recovery,

screening, testing, processing, storage and distribution of tissues, but does not include a Blood Bank;’

(e) after clause (p), the following clause shall be inserted, namely:—

‘(q) “transplant co-ordinator” means a person appointed by the hospital for co-ordinating all matters relating to removal or transplantation of human organs or tissues or both and for assisting the authority for removal of human organs in accordance with the provisions of section 3.’

6. *Amendment of section 3.*— In section 3 of the principal Act,—

(a) after sub-section (1), the following sub-sections shall be inserted, namely:—

“(1A) For the purpose of removal, storage or transplantation of such human organs or tissues or both, as may be prescribed, it shall be the duty of the registered medical practitioner working in a hospital, in consultation with transplant co-ordinator, if such transplant co-ordinator is available,—

(i) to ascertain from the person admitted to the Intensive Care Unit or from his near relative that such person had authorised at any time before his death the removal of any human organ or tissue or both of his body under sub-section (2), then the hospital shall proceed to obtain the documentation for such authorisation in such manner as may be prescribed;

(ii) where no such authority as referred to in sub-section (2) was made by such person, to make aware in such manner as may be prescribed to that person or near relative for option to authorise or decline for donation of human organs or tissues or both;

(iii) to require the hospital to inform in writing to the Human Organ Retrieval Centre for removal, storage or

transplantation of human organs or tissues or both, of the donor identified in clauses (i) and (ii) in such manner as may be prescribed.

(1B) The duties mentioned under clauses (i) to (iii) of sub-section (1A) from such date, as may be prescribed, shall also apply in the case of registered medical practitioner working in an Intensive Care Unit in a hospital which is not registered under this Act for the purpose of removal, storage or transplantation of human organs or tissues or both.”;

(b) in sub-section (4), the following proviso shall be inserted, namely:—

“Provided that a technician possessing such qualifications and experience, as may be prescribed, may enucleate a cornea.”;

(c) in sub-section (6), in clause (iii),—

(i) the word “and” shall be omitted; and

(ii) the following proviso shall be inserted, namely:—

“Provided that where a neurologist or a neurosurgeon is not available, the registered medical practitioner may nominate an independent registered medical practitioner, being a surgeon or a physician and an anaesthetist or intensivist subject to the condition that they are not members of the transplantation team for the concerned recipient and to such conditions as may be prescribed;”.

7. *Amendment of section 9.*— In section 9 of the principal Act,—

(a) after sub-section (1), the following sub-sections shall be inserted, namely:—

‘(1A) Where the donor or the recipient being near relative is a foreign national, prior approval of the Authorisation Committee shall be required before

removing or transplanting human organ or tissue or both:

Provided that the Authorisation Committee shall not approve such removal or transplantation if the recipient is a foreign national and the donor is an Indian national unless they are near relatives.

(1B) No human organs or tissues or both shall be removed from the body of a minor before his death for the purpose of transplantation except in the manner as may be prescribed.

(1C) No human organs or tissues or both shall be removed from the body of a mentally challenged person before his death for the purpose of transplantation.

Explanation.— For the purpose of this sub-section,—

(i) the expression “mentally challenged person” includes a person with mental illness or mental retardation, as the case may be;

(ii) the expression “mental illness” includes dementia, schizophrenia and such other mental condition that makes a person intellectually disabled;

(iii) the expression “mental retardation” shall have the same meaning as assigned to it in clause (r) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.’;

1 of 1996.

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(3A) Notwithstanding anything contained in sub-section (3), where—

(a) any donor has agreed to make a donation of his human organ or tissue or

both before his death to a recipient, who is his near relative, but such donor is not compatible biologically as a donor for the recipient; and

(b) the second donor has agreed to make a donation of his human organ or tissue or both before his death to such recipient, who is his near relative, but such donor is not compatible biologically as a donor for such recipient; then

(c) the first donor who is compatible biologically as a donor for the second recipient and the second donor is compatible biologically as a donor of a human organ or tissue or both for the first recipient and both donors and both recipients in the aforesaid group of donor and recipient have entered into a single agreement to donate and receive such human organ or tissue or both according to such biological compatibility in the group,

the removal and transplantation of the human organ or tissue or both, as per the agreement referred to above, shall not be done without prior approval of the Authorisation Committee.”;

(c) for sub-section (4), the following sub-section shall be substituted, namely:—

“(4) (a) The composition of the Authorisation Committees shall be such as may be prescribed by the Central Government from time to time.

(b) The State Government and the Union territories shall constitute, by notification, one or more Authorisation Committees consisting of such members as may be nominated by the State Governments and the Union territories on such terms and conditions as may be specified in the notification for the purposes of this section.”.

8. *Amendment of section 10.*— In section 10 of the principal Act, in sub-section (1),—

(a) in clause (b), the word “and” occurring at the end shall be omitted;

(b) in clause (c), the word “and” shall be inserted at the end;

(c) after clause (c), the following clause shall be inserted, namely:—

“(d) no Tissue Bank, unless registered under this Act, shall carry out any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues.”.

9. *Amendment of section 13.*— In section 13 of the principal Act, in sub-section (3),—

(a) for clause (iii), the following clause shall be substituted, namely:—

“(iii) to enforce such standards, as may be prescribed,—

(A) for hospitals engaged in the removal, storage or transplantation of any human organ;

(B) for Tissue Banks engaged in recovery, screening, testing, processing, storage and distribution of tissues;”;

(b) after clause (iv), the following clause shall be inserted, namely:—

“(iva) to inspect Tissue Banks periodically;”.

10. *Insertion of new sections 13A, 13B, 13C and 13D.*— After section 13 of the principal Act, the following sections shall be inserted, namely:—

“13A. *Advisory Committees to advise Appropriate Authority.*— (1) The Central Government and the State Governments, as the case may be, by notification, shall constitute an Advisory Committee for a period of two years to aid and advise the Appropriate Authority to discharge its functions.

(2) The Advisory Committee shall consist of—

(a) one administrative expert not below the rank of Secretary to the State Government, to be nominated as Chairperson of the Advisory Committee;

(b) two medical experts having such qualifications as may be prescribed;

(c) one officer not below the rank of a Joint Director to represent the Ministry or Department of Health and Family Welfare, to be designated as Member-Secretary;

(d) two eminent social workers of high social standing and integrity, one of whom shall be from amongst representatives of women's organisation;

(e) one legal expert who has held the position of an Additional District Judge or equivalent;

(f) one person to represent non-governmental organisations or associations which are working in the field of organ or tissue donations or human rights;

(g) one specialist in the field of human organ transplantation, provided he is not a member of the transplantation team.

(3) The terms and conditions for appointment to the Advisory Committee shall be such as may be prescribed by the Central Government.

13B. *Powers of Appropriate Authority.*— The Appropriate Authority shall for the purposes of this Act have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 5 of 1908. and, in particular, in respect of the following matters, namely:—

(a) summoning of any person who is in possession of any information relating to

violation of the provisions of this Act or the rules made thereunder;

(b) discovery and production of any document or material object;

(c) issuing search warrant for any place suspected to be indulging in unauthorised removal, procurement or transplantation of human organs or tissues or both; and

(d) any other matter which may be prescribed.

13C. *National Human Organs and Tissues Removal and Storage Network.*— The Central Government may, by notification, establish a National Human Organs and Tissues Removal and Storage Network at one or more places and Regional Network in such manner and to perform such functions, as may be prescribed.

13D. *National registry.*— The Central Government shall maintain a national registry of the donors and recipients of human organs and tissues and such registry shall have such information as may be prescribed to an ongoing evaluation of the scientific and clinical status of human organs and tissues.”.

11. *Amendment of section 14.*— In section 14 of the principal Act,—

(a) in sub-section (1), for the words “No hospital”, the words “No hospital (including Human Organ Retrieval Centre)” shall be substituted;

(b) after sub-section (3), the following sub-section shall be inserted, namely:—

“(4) No hospital shall be registered under this Act, unless the Appropriate Authority is satisfied that such hospital has appointed a transplant co-ordinator having such qualifications and experience as may be prescribed.”.

12. *Insertion of new section 14A.*— After section 14 of the principal Act, the following section shall be inserted, namely:—

“14A. *Registration of Tissue Bank.*— (1) No Tissue Bank shall, after the commencement of the Transplantation of Human Organs (Amendment) Act, 2011, commence any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues unless it is duly registered under this Act:

Provided that any facility engaged, either partly or exclusively, in any activity relating to the recovery, screening, testing, processing, storage and distribution of tissues immediately before the commencement of the Transplantation of Human Organs (Amendment) Act, 2011, shall apply for registration as Tissue Bank within sixty days from the date of such commencement:

Provided further that such facility shall cease to engage in any such activity on the expiry of three months from the date of commencement of the Transplantation of Human Organs (Amendment) Act, 2011, unless such Tissue Bank has applied for registration and is so registered, or till such application is disposed of, whichever is earlier.

(2) Every application for registration under sub-section (1) shall be made to the Appropriate Authority in such form and in such manner and shall be accompanied by such fees as may be prescribed.

(3) No Tissue Bank shall be registered under this Act unless the Appropriate authority is satisfied that such Tissue Bank is in a position to provide such specialised services and facilities, possess such skilled manpower and equipments and maintain such standards as may be prescribed.”.

13. *Amendment of section 15.*— In section 15 of the principal Act, in sub-section (1), for the words “grant to the hospital”, the words “grant to the hospital or to the Tissue Bank, as the case may be,” shall be inserted.

14. *Amendment of section 16.*— In section 16 of the principal Act, for the word “hospital”, wherever it occurs, the words “hospital or Tissue Bank, as the case may be,” shall be substituted.

15. *Amendment of section 17.*— In section 17 of the principal Act, after the words, brackets and figure “under sub-section (6) of section 9, or any hospital”, the words “or Tissue Bank, as the case may be,” shall be inserted.

16. *Amendment of section 18.*— In section 18 of the principal Act,—

(a) in sub-section (1), for the words “five years and with fine which may extend to ten thousand rupees”, the words “ten years and with fine which may extend twenty lakh rupees” shall be substituted;

(b) in sub-section (2), for the words “two years”, the words “three years” shall be substituted.

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) Any person who renders his services to or at any hospital and who conducts, or associates with or helps in any manner in the removal of human tissues without authority, shall be punishable with imprisonment for a term which may extend to three years and with fine which may extend to five lakh rupees.”.

17. *Amendment of section 19.*— In section 19 of the principal Act,—

(a) after clause (f), the following clause shall be inserted, namely:—

“(g) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making the donation of the human organs, as a near relative or by reason of

affection or attachment towards the recipient.”;

(b) for the words “two years but which may extend to seven years and shall be liable to fine which shall not be less than ten thousand rupees but may extend to twenty thousand rupees”, the words “five years but which may extend to ten years and shall be liable to fine which shall not be less than twenty lakh rupees but may extend to one crore rupees” shall be substituted;

(c) the proviso shall be omitted.

18. *Insertion of new section 19A.*— After section 19 of the principal Act, the following section shall be inserted, namely:—

“19A. *Punishment for illegal dealings in human tissues.*— Whoever—

(a) makes or receives any payment for the supply of, or for an offer to supply, any human tissue; or

(b) seeks to find person willing to supply for payment and human tissue; or

(c) offers to supply any human tissue for payment; or

(d) initiates or negotiates any arrangement involving the making of any payment for the supply of, or for an offer to supply, any human tissue; or

(e) takes part in the management or control of a body of persons, whether a society, firm or company, whose activities consist of or include the initiation or negotiation of any arrangement referred to in clause (d); or

(f) publishes or distributes or causes to be published or distributed any advertisement—

(i) inviting persons to supply for payment of any human tissue; or

(ii) offering to supply any human tissue for payment; or

(iii) indicating that the advertiser is willing to initiate or negotiate any arrangement referred to in clause (d); or

(g) abets in the preparation or submission of false documents including giving false affidavits to establish that the donor is making the donation of the human tissues as a near relative or by reason of affection or attachment towards the recipient,

shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years and shall be liable to fine which shall not be less than five lakh rupees but which may extend to twenty-five lakh rupees.”.

19. *Amendment of section 20.*— In section 20 of the principal Act, for the words “three years or with fine which may extend to five thousand rupees”, the words “five years or with fine which may extend to twenty lakh rupees” shall be substituted.

20. *Amendment of section 24.*— In section 24 of the principal Act, in sub-section (2),—

(a) after clause (a), the following clauses shall be inserted, namely:—

“(aa) the human organs or tissues or both in respect of which duty is cast on registered medical practitioner, the manner of obtaining documentation for authorisation under clause (i) of sub-section (1A) of section 3;

(ab) the manner of making the donor or his relative aware under clause (ii) of sub-section (1A) of section 3;

(ac) the manner of informing the Human Organ Retrieval Centre under clause (iii) of sub-section (1A) of section 3;

(ad) the date from which duties mentioned in sub-section (1A) are applicable to registered medical practitioner working in an unregistered hospital under sub-section (1B) of section 3;

(ae) the qualifications and experience of a technician under the proviso to sub-section (4) of section 3;";

(b) after clause (b), the following clause shall be inserted, namely:—

"(ba) the conditions for nomination of a surgeon or a physician and an anaesthetist or intensivist to be included in the Board of medical experts under the proviso to clause (iii) of sub-section (6) of section 3;";

(c) after clause (e), the following clauses shall be inserted, namely:—

"(ea) the manner of removal of human organs or tissues or both from the body of a minor before his death for transplantation under sub-section (1B) of section 9;

(eb) the composition of the Authorisation Committees under sub-section (4) of section 9;";

(d) after clause (i), the following clauses shall be inserted, namely:—

"(ia) the qualifications of medical experts and the terms and conditions for appointment to Advisory Committee under sub-sections (2) and (3) of section 13A;

(ib) the power of the Appropriate Authority in any other matter under clause (d) of section 13B;

(ic) the manner of establishment of a National Human Organs and Tissues Removal and Storage Network and Regional Network and functions to be performed by them under section 13C;

(id) the information in the national registry of the donors and recipients of human organs and tissues and all information under section 13D;";

(e) after clause (k), the following clauses shall be inserted, namely:—

"(ka) the qualifications and experience of a transplant co-ordinator under sub-section (4) of section 14;

(kb) the form and the manner in which an application for registration shall be made, and the fee which shall be accompanied, under sub-section (2) of section 14A;

(kc) the specialised services and the facilities to be provided, skilled manpower and the equipments to be possessed and the standards to be maintained by a Tissue Bank, under sub-section (3) of section 14A;";

(f) in clause (l), for the word "hospital", the words "hospital or Tissue Bank" shall be substituted.

Notification

10/3/2011-LA/110

The Juvenile Justice (Care and Protection of Children) Amendment Act, 2011 (Central Act No. 12 of 2011), which has been passed by Parliament and assented to by the President of India on 7-9-2011 and published in the Gazette of India, Extraordinary, Part II, Section I dated 8-9-2011, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 18th April, 2012.

THE JUVENILE JUSTICE (CARE AND PROTECTION OF CHILDREN) (AMENDMENT) ACT, 2011

AN

ACT

further to amend the Juvenile Justice (Care and Protection of Children) Act, 2000.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title and commencement.*— (1) This Act may be called the Juvenile Justice (Care and Protection of Children) Amendment Act, 2011.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Amendment of section 48.*— In the Juvenile Justice (Care and Protection of Children) Act, 2000 ^{56 of 2000.} (hereinafter referred to as the principal Act), in section 48, sub-section (2) shall be omitted.

3. *Substitution of new section for section 58.*— For section 58 of the principal Act, the following section shall be substituted, namely:—

‘58. Transfer of juvenile or child as are mentally ill or addicted to alcohol or other drugs.— (1) Where it appears to the competent authority that any juvenile or child kept in a special home or an observation home or a children's home or a shelter home or in an institution in pursuance of this Act, is a mentally ill person or addicted to alcohol or other drugs which lead to behavioural changes in a person, the competent authority may order his removal to a psychiatric hospital or psychiatric nursing home in accordance with the provisions of the Mental Health Act, 1987 or the rules made ^{14 of 1987.} thereunder.

(2) In case the juvenile or child had been removed to a psychiatric hospital or psychiatric nursing home under sub-section (1), the competent authority may, on the basis of the advice given in the certificate of discharge of

the psychiatric hospital or psychiatric nursing home, order to remove such juvenile or child to an Integrated Rehabilitation Centre for Addicts or similar centres maintained by the State Government for mentally ill persons (including the persons addicted to any narcotic drug or psychotropic substance) and such removal shall be only for the period required for the in-patient treatment of such juvenile or child.

Explanation.— For the purposes of this sub-section,—

(a) “Integrated Rehabilitation Centre for Addicts” shall have the meaning assigned to it under the scheme called “Central Sector Scheme of Assistance for Prevention of Alcoholism and Substance (Drugs) Abuse and for Social Defence Services” made by the Government of India in the Ministry of Social Justice and Empowerment or any other corresponding scheme for the time being in force;

(b) “mentally ill person” shall have the meaning assigned to it in clause (l) of section 2 of the Mental Health Act, 1987; ^{14 of 1987.}

(c) “psychiatric hospital” or “psychiatric nursing home” shall have the meaning assigned to it in clause (q) of section 2 of the Mental Health Act, 1987.’. ^{14 of 1987.}

Notification

10/3/2011-LA/111

The Coinage Act, 2011 (Central Act No. 11 of 2011), which has been passed by Parliament and assented to by the President of India on 1-9-2011 and published in the Gazette of India, Extraordinary, Part II, Section I dated 2-9-2011, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 18th April, 2012.

THE COINAGE ACT, 2011

Arrangement of Sections

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THE COINAGE ACT, 2011

AN

ACT

to consolidate the laws relating to coinage and the Mints, the protection of coinage and to provide for the prohibition of melting or destruction of coins and prohibit the making or the possession thereof for issue and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

CHAPTER I

Preliminary

1. *Short title, extent and commencement.*—
(1) This Act may be called the Coinage Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definitions.*— In this Act, unless the context otherwise requires,—

(a) “coin” means any coin which is made of any metal or any other material stamped by the Government or any other authority empowered by the Government in this behalf and which is a legal tender including commemorative coin and Government of India one rupee note.

Explanation.— For the removal of doubts, it is hereby clarified that a “coin” does not include the credit card, debit card, postal order and e-money issued by any bank, post office or financial institution;

(b) “commemorative coin” means any coin stamped by the Government or any other authority empowered by the Government in this behalf to commemorate any specific occasion or event and expressed in Indian currency;

(c) “deface” means any type of clipping, filing, stamping, or such other alteration of the surface or shape of a coin as is readily distinguishable from the effects of reasonable wear;

(d) “Government” means the Central Government;

(e) “issue” means to put a coin into circulation for use as money;

(f) “metal” means any metal, base metal, alloy, gold, silver or any other material which may be prescribed by the Government for the purpose of any coin;

(g) “Mint” means the Security Printing and Minting Corporation of India Limited formed and incorporated under the Companies Act, 1956 or any other organisation established by or under the authority of the Government to make a coin by stamping metal;

(h) “notification” means notification published in the Official Gazette;

(i) “per cent.” means the percentage of metals prescribed for any coin;

(j) “prescribed” means prescribed by rules made under this Act;

(k) “remedy” means variation from the standard weight and fineness;

(l) “standard weight” means the weight prescribed for any coin.

CHAPTER II

Establishment of Mints

3. *Power to establish and abolish Mints.*— The Government may, by notification,—

(a) establish a Mint at any place which may be managed by it or by any other person, which may be authorised for this purpose:

Provided that the Mints established before the commencement of this Act shall be deemed to have been established by the Government under this section:

Provided further that where the Government is of the opinion that it is necessary or expedient in the public interest so to do, it may authorise the minting of coins by any organisation or Government of any foreign country, within or beyond the limits of India and acquire such coins either by way of import or otherwise for issue under its authority;

(b) abolish any Mint.

CHAPTER III

Coinage

4. *Denominations, Dimensions, designs and composition of coins.*— Coins may be minted at the Mints or at any other place authorised under the proviso to section 3 of such denominations not higher than one thousand rupees and of such dimensions and designs and containing such metals or mixed metals of such composition or any other material as may be prescribed by the Government.

5. *Standard weight and remedy.*— The standard weight of the coin of any denomination, minted under the provisions of section 4, and the remedy allowed in making of such coins, shall be such as may be prescribed in this behalf by the Government from time to time.

6. *Coin when a legal tender.*— (1) The coins issued under the authority of section 4 shall

be a legal tender in payment or on account, in case of—

(a) a coin of any denomination not lower than one rupee, for any sum not exceeding one thousand rupees;

(b) a half-rupee coin, for any sum not exceeding ten rupees;

(c) any other coin, for any sum not exceeding one rupee:

Provided that the coin has not been defaced and has not lost weight so as to be less than such weight as may be prescribed in its case.

(2) All new coins in the *naya paisa* series, designated as such under the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs, Number S.R.O. 1120, dated the 11th May, 1956 issued prior to the commencement of the Indian Coinage (Amendment) Act, 1964, 17 of 1964, shall continue to be a legal tender in payment or on account, in case of,—

(a) a half-rupee or fifty *naye paise* coin, for any sum not exceeding ten rupees;

(b) any other coin, for any sum not exceeding one rupee.

7. *Decimal system of coinage.*— (1) The rupee shall be divided into one hundred units and any such unit may be designated by the Government, by notification, under such name as it thinks fit.

(2) All references in any enactment or in any notification, rule or order under any enactment or in any contract, deed or other instrument to any value expressed in annas, *paisa* and *pies* shall be construed as references to that value expressed in units referred to in sub-section (1) converted thereto at the rate of sixteen anna, sixty-four *paise* or one

hundred and ninety-two *pies* to one hundred units referred to in sub-section (1).

(3) All references in any enactment or in any notification, rule or order under any enactment or in any contract, deed or other instrument to any value in *naya paisa* or *naye paise* shall be construed as references to that value expressed respectively in units referred to in sub-section (1).

8. *Power to call in coin.*— Notwithstanding anything contained in section 6, the Government may, by notification, call in with effect from such date as may be specified in the notification, any coin, of whatever date or denomination and on and from the date so specified, such coin shall cease to be a legal tender, save to such extent as may be specified in the notification.

CHAPTER IV

Diminished, Defaced and Counterfeit Coins

9. *Power to certain persons to cut diminished or defaced coins.*— (1) Where any coin which has been minted and issued by or under the authority of the Government is tendered to any person authorised by it to act under this section, and such person has reason to believe that the coin—

(a) has been diminished in weight so as to be more than such per cent. below standard weight as provided in section 5; or

(b) has been defaced,

he shall, by himself or through another person, cut or break the coin.

(2) A person cutting or breaking coin under the provisions of clause (a) of sub-section (1) shall receive and pay for the coin at its face value.

(3) A person cutting or breaking coin under the provisions of clause (b) of sub-section (1) shall observe the following procedure, namely:—

(a) if such person has reason to believe, that the coin has been fraudulently defaced, he shall return the pieces to the person tendering the coin, who shall bear the loss caused by such cutting or breaking;

(b) if such person has reason to believe, that the coin has not been fraudulently defaced, he shall receive and pay for the coin at its face value.

10. *Power to certain persons to cut counterfeit coins.*— Where any coin minted or issued by or under the authority of the Government is tendered to any person authorised by the Government under section 9 and such person has reason to believe that the coin is counterfeit, he shall by himself or through another person cut or break the coin and the tenderer shall bear the loss caused by such cutting or breaking.

11. *Power of Mint to delegate its functions.*— The Mint may in writing authorise any other organisation of the Government to melt withdrawn coins or take any help of such organisation for the said purpose.

Explanation.— For the purposes of this section “organisation” means any Government industrial unit or public sector undertaking possessing melting facilities.

CHAPTER V

Offences and Penalties

12. *Prohibition of making or melting or destruction of coins.*— (1) No person shall—

(i) use any metal piece as coin whether stamped or unstamped, intended to be used as money except by the authority of the Government, or

(ii) melt or destroy any coin, or

(iii) use coin other than as a medium of exchange, or

(iv) have in his possession, custody or control,—

(a) any melted coin, whether in the molten state or in a solid state, or

(b) any coin in a destroyed or mutilated state, or

(c) coins substantially in excess of his reasonable requirements for the purpose of selling such coins for value other than their face value or for melting or for destroying or for disposing these coins other than as a medium of exchange.

Explanation.— For the purposes of determining the reasonable requirements of coins of a person, due regard shall be had to—

(i) his total daily requirements of coins;

(ii) the nature of his business, occupation or profession;

(iii) the mode of his acquisition of coins; and

(iv) the manner in which, and the place at which, such coins are being possessed, held or controlled by him.

(2) Whoever is found to be in possession of any metal or material which contains alloys in the same proportions in which they have been used in the manufacture of any coin shall be presumed, until the contrary is proved, to have contravened the provisions of sub-section (1).

(3) Nothing in this section shall apply—

(i) to any person who is found in possession of any metal or scraps or scissel, etc., of non-recyclable coinage metal, which he may so possess as a result of valid disposal by auctions by a Mint;

(ii) to the Mint, Reserve Bank of India and its authorised agents, and suppliers of coins or coin blanks to the extent of orders placed by or under the authority of the Government until their supply or completion of orders placed by the Government;

(iii) to any prospective supplier who intends to supply coin or coin blanks as samples against a valid tender documents purchased by him provided that quantity is in reasonable agreement with quantity of samples to be supplied.

13. *Penalty for contravention of section 12.*— Whoever contravenes any provisions of section 12 shall be punishable with imprisonment which may extend to seven years and with fine.

14. *Prohibition and penalty for unlawful making, issue or possession of pieces of metal to be used as money.*— (1) No person shall—

(a) make or issue or attempt to issue any metal piece except as provided under section 4 for the purpose of coin;

(b) possess, custody or control of any metal piece with the intent to issue the piece for use as money for a medium of exchange.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to one year or with fine or with both.

Provided that if any person convicted under this section is again convicted, he shall be punishable with imprisonment which may extend to three years or with fine or with both.

15. *Prohibition and penalty for bringing metal piece for use as coin.*— (1) No person shall bring by sea or by land or by air into India of any piece of metal to be used as coin except with the authority or permission of the Government.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment which may extend to seven years and with fine.

16. *Offences by companies.*— (1) Where an offence under this Act has been committed by

a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of its business, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding, anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part of any director, manager, secretary or other officer, such director, manager, secretary or other officer of the company shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.— For the purposes of this section,—

(a) “company” means any body corporate and includes a firm, society or other association of individuals; and

(b) “director”, in relation to—

(i) a firm, means a partner or proprietor of the firm;

(ii) a society or other association of individuals, means the person who is entrusted, under the rules of the society or other association, with the management of the affairs of the society or other association of the individuals, as the case may be.

CHAPTER VI

Miscellaneous

17. *Forfeiture.*— Any coin or metal in relation to which any offence under this Act has been committed shall be forfeited to the Government.

18. *Probation of Offenders Act, 1958 not to apply to offences under this Act.*— Nothing in the Probation of Offenders Act, 1958 shall apply to offences under this Act. 20 of 1958.

19. *Offences to be cognizable, bailable and non-compoundable.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, offences under this Act shall be cognizable and bailable, but shall not be compoundable. 2 of 1974.

20. *Amendment of Act 2 of 1934.*— In the Reserve Bank of India Act, 1934,—

(i) in section 2, in clause (d), for the words and figures “the Indian Coinage Act, 1906”, the words and figures “the Coinage Act, 2011” shall be substituted; 3 of 1906.

(ii) in section 39, for the words and figures “the Indian Coinage Act, 1906”, at both the places where they occur, the words and figures “the Coinage Act, 2011” shall be substituted. 3 of 1906.

21. *Offences may be tried summarily.*— Notwithstanding anything contained in section 260 of the Code of Criminal Procedure, 1973, offences under this Act may be tried summarily by a Judicial Magistrate of the first class or a Metropolitan Magistrate. 2 of 1974.

22. *Protection of action taken in good faith.*— No suit or other legal proceedings shall lie against any person in respect of anything which is in good faith done, or intended to be done, under or in pursuance of the provisions of this Act.

23. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order published in the Official Gazette, make

such provisions, not inconsistent with the provisions of this Act as may appear it to be necessary or expedient for removing the difficulty:

Provided that no such order shall be made under this section after the expiry of five years from the commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

24. *Power to make rules.*— (1) The Government may, by notification, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the use of metal for the purpose of making any coin under clause (f) of section 2;

(b) the per cent. of metals for any coin under clause (i) of section 2;

(c) the standard weight for any coin under clause (l) of section 2;

(d) the dimensions, designs, metals, mixed metals or their composition, for coins under section 4;

(e) the standard weight of coins and the remedy allowed in making such coins under section 5.

25. *Rules to be laid before Parliament.*— Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification

in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

26. *Saving of making other coins at Mints.*— Nothing in this Act shall be deemed to prohibit or restrict the making at any Mint in India of coins intended for issue as money by the foreign Government of any territories beyond the limits of India.

27. *Repeal and savings.*— (1) The following enactments are hereby repealed—

- | | |
|---|------------------|
| (a) the Metal Tokens Act, 1889; | 1 of 1889. |
| (b) the Coinage Act, 1906; | 3 of 1906. |
| (c) the Bronze Coin (Legal Tender) Act, 1918; | 22 of 1918. |
| (d) the Currency Ordinance, 1940; | Ord. IV of 1940. |
| (e) the Small Coins (Offences) Act, 1971. | 52 of 1971. |

(2) The repeal by this Act of the enactments and Ordinance specified in sub-section (1) shall not—

(a) affect any other enactment in which the repealed enactment or Ordinance has been applied, incorporated or referred to;

(b) affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

(c) affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment,

notwithstanding that the same respectively may have been in any manner affirmed or recognised or derived by, in or from any enactment or Ordinance hereby repealed;

(d) revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

(3) The mention of particular matters in sub-section (1) shall not be held to prejudice or affect the general application of section 6 of the General Clauses Act, 1897, with regard to the effect of repeals.

28. *Continuance of existing coins.*— Notwithstanding the repeal of the enactments and the Ordinance specified in sub-section (1) of section 27,—

(a) all coins issued under the said enactments; and

(b) Government of India one rupee note issued under the Currency Ordinance, 1940,

which are legal tender immediately before the commencement of the Coinage Act, 2011 shall be deemed to be the coin and continue to be legal tender in payment or on account under the corresponding provisions of this Act.

Notification

10/3/2011-LA/116

The Repatriation of Prisoners (Amendment) Act, 2011 (Central Act No. 6 of 2011), which has been passed by the Parliament and assented to by the President of India on 01-04-2011 and published in the Gazette of India, Extraordinary, Part II, Section I dated 04-04-2011, is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Porvorim, 18th April, 2012.

THE REPATRIATION OF PRISONERS
(AMENDMENT) ACT, 2011

AN

ACT

to amend the Repatriation of Prisoners Act, 2003.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title.*— (1) This Act may be called the Repatriation of Prisoners (Amendment) Act, 2011.

2. *Amendment of section 5 of Act 49 of 2003.*— In the Repatriation of Prisoners Act, 2003, in section 5, in sub-section (2), in clause (c), for the words “martial law”, the words “military law” shall be substituted.

Notification

10/3/2011-LA/117

The National Capital Territory of Delhi Laws (Special Provisions) Act, 2011 (Central Act No. 5 of 2011), which has been passed by Parliament and assented to by the President of India on 29-03-2011 and published in Gazette of India, Extraordinary, Part II, Section I dated 30-03-2011 is hereby published for the general information of the public.

Julio Barbosa Noronha, Under Secretary (Law).

Panaji, 18th April, 2012.

THE NATIONAL CAPITAL TERRITORY OF
DELHI LAWS (SPECIAL PROVISIONS)
ACT, 2011

AN

ACT

to make special provisions for the National Capital Territory of Delhi for a further

period up to the 31st day of December, 2011 and for matters connected therewith or incidental thereto.

Whereas there had been phenomenal increase in the population of the National Capital Territory of Delhi owing to migration and other factors resulting in tremendous pressure on land and infrastructure leading to encroachment or unauthorised developments which are not in consonance with the concept of planned development as provided in the Master Plan for Delhi, 2001 and the relevant Acts and building bye-laws made thereunder;

And whereas the Master Plan for Delhi, 2001 was extensively modified and notified by the Central Government on the 7th day of February, 2007 with the perspective for the year 2021 keeping in view the emerging new dimensions in urban development *vis-a-vis* the social, financial and other ground realities;

And whereas the Master Plan for Delhi with the perspective for the year 2021 specifically provides for strategies for housing for urban poor as well as to deal with the informal sector;

And whereas a strategy and a scheme has been prepared by the local authorities in the National Capital Territory of Delhi for regulation of urban street vendors in accordance with the National Policy for Urban Street Vendors and the Master Plan for Delhi, 2021, and is being implemented;

And whereas based on the policy finalised by the Central Government regarding regularisation of unauthorised colonies, village *abadi* area and its extension, the guidelines and regulations for this purpose have been issued;

And whereas in pursuance of the guidelines and regulations necessary steps are being taken for regularisation of unauthorised colonies which, *inter alia*, involve scrutiny of layout plans, assessment of built up percentage existed as on the 31st day of March, 2002, identification of mixed use of streets, approval of layout plans,

fixation of boundaries, change in land use and identification of colonies not eligible for regularisation;

And whereas more time is required for proper implementation of the scheme regarding hawkers and urban street vendors and for the regularisation of unauthorised colonies, village *abadi* area and its extension;

And whereas the revised policy for proper arrangements for relocation and rehabilitation of slum dwellers and *jhuggi-jhompri* clusters in the National Capital Territory of Delhi has been formulated and accordingly, the Delhi Urban Shelter Improvement Board Act, 2010 has been enacted by the Government of National Capital Territory of Delhi and notified with effect from the 1st July, 2010 to provide for implementation of schemes for improvement of slums and *jhuggi-jhompri* clusters with a view to bring improvement in environment and living conditions, and to prepare housing scheme for such persons;

Delhi Act
7 of 2010.

And whereas the draft policy regarding farm houses is under consideration in the Delhi Development Authority;

And whereas pursuant to the Master Plan for Delhi, 2021, the Zonal Development Plans in respect of various Zones have been notified which provides for regularisation of schools, dispensaries, religious institutions and cultural institutions;

And whereas the policy with respect to storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land are under consideration of the Central Government in consultation with the Delhi Development Authority;

And whereas the National Capital Territory of Delhi Laws (Special

Provisions) Act, 2007 was enacted on the 5th day of December, 2007 to make special provisions for the areas of the National Capital Territory of Delhi for a period up to the 31st day of December, 2008 which ceased to operate after the 31st December, 2008;

43 of 2007.

And whereas the National Capital Territory of Delhi Laws (Special Provisions) Act, 2009 was enacted in continuation of the aforesaid Act for a period up to the 31st day of December, 2009 to make special provisions for the areas of the National Capital Territory of Delhi and that Act ceased to operate after the 31st day of December, 2009;

24 of 2009.

And whereas the National Capital Territory of Delhi Laws (Special Provisions) Second Act, 2009 was enacted in continuation of the aforesaid Act for a period up to the 31st day of December, 2010 to make special provisions for the areas of the National Capital Territory of Delhi and that Act ceased to operate after the 31st day of December, 2010;

40 of 2009.

And whereas it is expedient to have a law in terms of the Master Plan for Delhi, 2021, in continuation of the said Act for a period up to the 31st day of December, 2011 to provide for temporary relief and to minimise avoidable hardships and irreparable loss to the people of the National Capital Territory of Delhi against any action by the concerned agency in respect of persons covered by the policies referred to above.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. *Short title, extent, commencement and duration.*— (1) This Act may be called the National Capital Territory of Delhi Laws (Special Provisions) Act, 2011.

(2) It extends to the National Capital Territory of Delhi.

(3) It shall be deemed to have come into force on the 1st day of January, 2011.

(4) It shall cease to have effect on the 31st day of December, 2011, except as respects things done or omitted to be done before such cesser, and upon such cesser section 6 of the General Clauses Act, 1897, shall apply as if this Act 10 of 1897. had then been repealed by a Central Act.

2. *Definitions.*— (1) In this Act, unless the context otherwise requires,—

(a) “building bye-laws” means bye-laws made under section 481 of the Delhi Municipal Corporation Act, 1957 or the bye-laws made under section 188, sub-section (3) of section 189 and sub-section (1) of section 190 of the Punjab Act 3 of 1911. in force in New Delhi or the regulations made under sub-section (1) of section 57 of the Delhi Development Act, 1957, 61 of 1957. relating to buildings;

(b) “Delhi” means the entire area of the National Capital Territory of Delhi except the Delhi Cantonment as defined in clause (11) of section 2 of the Delhi Municipal Corporation Act, 1957; 66 of 1957.

(c) “encroachment” means unauthorised occupation of Government land or public land by way of putting temporary, semi-permanent or permanent structure for residential use or commercial use or any other use;

(d) “local authority” means the Delhi Municipal Corporation established under the Delhi Municipal Corporation Act, 1957, 66 of 1957. or the New Delhi Municipal Council established under the

New Delhi Municipal Council Act, 44 of 1994. 1994 or the Delhi Development Authority established under the Delhi Development Act, 1957, 61 of 1957. legally entitled to exercise control in respect of the areas under their respective jurisdiction;

(e) “Master Plan” means the Master Plan for Delhi with the perspective for the year 2021, notified *vide* notification number S.O. 141 (E) dated the 7th day of February, 2007 under the Delhi Development Act, 1957; 61 of 1957.

(f) “notification” means a notification published in the Official Gazette;

(g) “punitive action” means action taken by a local authority under the relevant law against unauthorised development and shall include demolition, sealing of premises and displacement of persons or their business establishment from their existing location, whether in pursuance of court orders or otherwise;

(h) “relevant law” means in case of—

(i) the Delhi Development Authority, the Delhi Development Act, 1957; 61 of 1957.

(ii) the Municipal Corporation of Delhi, the Delhi Municipal Corporation Act, 1957; and 66 of 1957.

(iii) the New Delhi Municipal Council, the New Delhi Municipal Council Act, 1994; 44 of 1994.

(i) “unauthorised development” means use of land or use of building or construction of building or development of colonies carried out in contravention of the sanctioned plans or without obtaining the sanction of plans, or in contravention of the land use as permitted under the Master Plan or Zonal Plan or layout plan, as the case may be, and includes any encroachment.

(2) Words and expressions used but not defined herein shall have the meanings respectively assigned to them in the Delhi Development Act, 1957, the Delhi Municipal Corporation Act, 1957 and the New Delhi Municipal Council Act, 1994. 61 of 1957.
66 of 1957.
44 of 1994.

3. *Enforcement to be kept in abeyance.*—

(1) Notwithstanding anything contained in any relevant law or any rules, regulations or bye-laws made thereunder, the Central Government shall before the expiry of this Act, take all possible measures to finalise norms, policy guidelines, feasible strategies and make orderly arrangements to deal with the problem of encroachment or unauthorised development in the form of encroachment by slum dwellers and *Jhuggi-Jhompri* clusters, hawkers and urban street vendors, unauthorised colonies, village *abadi* area (including urban villages), and its extension, existing farm houses involving construction beyond permissible building limits and schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land, as mentioned below:

(a) orderly arrangements for relocation and rehabilitation of slum dwellers and *Jhuggi-Jhompri clusters* in the National Capital Territory of Delhi in accordance with the provisions of the Delhi Urban Shelter Improvement Board Act, 2010 and the Master Plan for Delhi, 2021 to ensure its development in a sustainable, planned and humane manner;

Delhi Act
7 of 2010.

(b) scheme and orderly arrangements for regulation of urban street vendors in consonance with the national policy for urban street vendors and hawkers as provided in the Master Plan for Delhi, 2021;

(c) orderly arrangements pursuant to guidelines and regulations for regularisation of unauthorised colonies, village *abadi* area (including urban villages) and its extension, as existed on the 31st day of March, 2002, and where construction took place even beyond that date and up to the 8th day of February, 2007;

(d) policy regarding existing farm houses involving construction beyond permissible building limits; and

(e) policy or plan for orderly arrangement regarding schools, dispensaries, religious institutions, cultural institutions, storages, warehouses and godowns used for agricultural inputs or produce (including dairy and poultry) in rural areas built on agricultural land.

(2) Subject to the provisions contained in sub-section (1) and notwithstanding any judgment, decree or order of any court, *status quo*—

(i) as on the 1st day of January, 2006 in respect of encroachment or unauthorised development; and

(ii) in respect of unauthorised colonies, village *abadi* area (including urban villages) and its extension, which existed on the 31st day of March, 2002 and where construction took place even beyond that date and up to the 8th day of February, 2007, mentioned in sub-section (1),

shall be maintained.

(3) All notices issued by any local authority for initiating action against encroachment or unauthorised development referred to in sub-section (1), shall be deemed to have been suspended and no punitive action shall be taken till the 31st day of December, 2011.

(4) Notwithstanding any other provision contained in this Act, the Central Government may, at any time before the 31st day of December, 2011, withdraw the

exemption by notification in respect of encroachment or unauthorised development mentioned in sub-section (2) or sub-section (3), as the case may be.

4. *Provisions of this Act not to apply in certain cases.*— During the period of operation of this Act, no relief shall be available under the provisions of section 3 in respect of the following encroachment or unauthorised development, namely:—

(a) encroachment on public land except in those cases which are covered under clauses (a), (b) and (c) of sub-section (1) of section 3;

(b) removal of slums and *Jhuggi-Jhompr*i dwellers, hawkers and urban street vendors, unauthorised colonies or part thereof, village *abadi* area (including urban villages) and its extension in accordance with the relevant policies approved by the Central Government for clearance of land required for specific public projects.

5. *Power of Central Government to give directions.*— The Central Government may, from time to time, issue such directions to the local authorities as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the local authorities, to comply with such directions.

6. *Validation of acts done or omitted to be done, etc., during 1st January, 2011 up to the date of commencement of this Act.*— Notwithstanding any judgment, decree or order of any court, all things done, or, omitted to be done, and all action taken, or, not taken, during the period beginning on or after the 1st day of January, 2011 and ending immediately before the date of commencement of this Act, shall, in so far as they are in conformity with the provisions of this Act, be deemed to have been done, or, omitted to be done, or, taken, or, not taken, under these provisions as if such provisions were in force at the time such things were done or omitted to be done and action taken or not taken during the aforesaid period.

Department of Personnel

Notification

15/7/2003-PER

In accordance with the Recruitment Rules for the post of Mamlatdar/Joint Mamlatdar/Asstt. Director of Civil Supplies, notified vide Notification No. 1/25/87-PER dated 17-4-1996 published in the Official Gazette, Series I, No. 9 dated 31-5-1996 and in accordance with sub-rule (2) of Rule 2 of the Goa Departmental Examination for the Officers in the Cadre of Mamlatdars/Joint Mamlatdars/Asstt. Director of Civil Supplies Rules, 1997, notified under Notification No. 15/50/87-PER-Part I dated 12-12-1997 and published in the Official Gazette, Series I No. 44 dated 29-1-1998, the schedule for the Departmental Examination shall be as under:—

Date of Examination	Morning Session 10.00 a.m. to 1.00 p.m.	Evening Session 2.30 p.m. to 5.30 p.m.	Venue
11-06-2012	Paper (II)	Paper (IV)	Office of the Goa Public Service Commission, Panaji
12-06-2012	Paper (V)	Paper (VI)	

The syllabus for the said examination shall be in accordance to the Goa Departmental Examination for the Officers in the Cadre of Mamlatdar/Joint Mamlatdar/Asstt. Director of Civil Supplies (First Amendment) Rules, 2011 notified under Notification No. 15/7/2003-PER dated 17-02-2011 and published in the Official Gazette, Series I No. 49 dated 03-03-2011.

The following Officers in the Cadre of Mamlatdars/Joint Mamlatdars/Asstt. Director of Civil Supplies shall appear for the Examination in papers mentioned against their names on the above mentioned date, time and venue. They may bring the text books of the Act and Rules prescribed for the examination.

Sr. No.	Name of the Officer	Papers	By order and in the name of the Governor of Goa.
1.	Shri Vishal C. Kundaikar	II, IV, V	
2.	Kum. Roshell Aurita Fernandes	V	
3.	Shri Pravin Hire Parab	V	<i>Umeshchandra L. Joshi</i> , Under Secretary
4.	Kum. Nathine Stevea Araujo	V	(Personnel-I).
5.	Shri Amul Shrikant Gaunker	IV, V	
6.	Shri Shankar Barkelo Gaonkar	VI	Porvorim, 20th April, 2012.

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